This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

A treatise on riot duty for the National Guard

Henry Adams Bellows, United States. Militia ...

Digitized by Google

War 1557. 20

Harvard College Library

FROM

Digitized by Google

Digitized by Google

Digitized by Google

Cover

A TREATISE ON RIOT DUTY
FOR
THE NATIONAL GUARD

Prepared for the Militia Bureau by

HENRY A. BELLOWS

Formerly Colonel, Fourth Regiment, Minnesota Infantry
National Guard

May, 1920

WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

Digitized by Google

Digitized by Google

A TREATISE ON RIOT DUTY
FOR
THE NATIONAL GUARD

Prepared for the Militia Bureau by

HENRY A. BELLOWS

Formerly Colonel, Fourth Regiment, Minnesota Infantry
National Guard

May, 1920

WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

Digitized by Google

War 1059.20
War 1557.20
HARVARD COLLEGE
DEC 10 1920
LIBRARY
Edgar R. Wells,
New York City

Digitized by Google

PREFATORY NOTE.

The Militia Bureau is indebted to Col. Henry A. Bellows, formerly of the 4th Infantry, Minnesota National Guard, for the compilation of this Manual, which was adopted by the General Staff with only a few minor changes in the original text. In compiling this work Col. Bellows was actuated solely by patriotism, and has received no remuneration or reward other than the appreciation of those who will profit by his efforts in their behalf.

Published in pursuance of the following instruction:

"The publication by the Militia Bureau of a pamphlet on 'Riot Duty for National Guard,' of the same general character as the manuscript herewith, is approved.

"By order of the Secretary of War:

"F. W. LEWIS,
"*Adjutant General.*"

MILITIA BUREAU, 1920.

Digitized by Google

Digitized by Google

TABLE OF CONTENTS.

		Page.
I.	The necessity for preparation	7
II.	General conditions of service	16
III.	Training and discipline	26
IV.	Preparation—Equipment—Information	55
V.	Mobilization—Transportation	76
VI.	Tactics	94
VII.	Administration	144
VIII.	Legal	172

Digitized by Google

Digitized by Google

A TREATISE ON RIOT DUTY FOR THE NATIONAL GUARD.

I. THE NECESSITY FOR PREPARATION.

1. All military organizations necessarily have a double function: the protection of the country against enemies from without and the support of the civil authorities in safeguarding the public peace when it is threatened by enemies from within. The former, of course, provides the basis for the military system of any nation, and therefore the basis for organization, training, and the study of military science. The latter, however, is profoundly important. A nation which can not control, and at need suppress, the disorderly and violent elements within its own borders is in no position to make war successfully against aggression from abroad. Furthermore, wars and the occasions for wars are relatively infrequent, whereas scarcely a month passes which does not see military force required to maintain order somewhere within the limits of the United States. If troops are not readily available to fulfill this function, or if, though available, their training has been such that they perform their work in an inefficient or a needlessly violent manner, the country suffers, and the blame for its suffering is laid, in large measure, on the shoulders of the military authorities.

Digitized by Google

2. The fact that "success in battle is the ultimate object of all military training" has, through a too narrow interpretation of the word "battle," stood in the way of an adequate study of military protection by those whose task it has been to formulate principles for the guidance in training and in the field of officers and enlisted men. It has been generally assumed that one could fight a battle only with an organized enemy, his forces composed of armed combatants. In the true sense of the word, however, a battle takes place whenever troops face the duty of dispersing a disorderly crowd or a riotous mob, wherein combatant and noncombatant are indistinguishable. It is a battle even if no blood is shed, and if it be not fought by the troops with courage, discipline, and sound tactical judgment, it is a battle which may easily prove costly to one side or to both. Since, as experience has shown, battles of this type are of frequent occurrence and may at any time involve troops of any branch of the service, whether Federal or State, it follows that a sound system of training must do all it can to insure success here as well as on fields where organized enemies are to be encountered.

3. The causes which may at any time demand military protection in order to guarantee to the people their rights under the Constitution, and to uphold the laws and governments of the Nation and the several States, exist everywhere, and have their roots deep in human nature. The instinct for violence is well-nigh universal, held inactive in most cases by a greater or less degree of self-restraint, which unexpected conditions may at any time atrophy. Ignorance and crime are, indeed, dimin-

Digitized by Google

ishing, but there is no indication that many generations yet to come will see them cease to be constant menaces to the public peace. The same spirit of unrest which makes all progress possible becomes, if it lacks proper restraint and guidance, a threat of violent revolt. A few months witnessed such diverse outbreaks, all demanding military control, as the race riots in Washington, Omaha, and Chicago; the Boston riots resulting from the collapse of the civil machinery for maintaining order; the riots in Cleveland, Boston, and elsewhere growing out of demonstrations made by that class which is everywhere hostile to constitutional government; the disorders directly attendant on industrial disputes in Gary, Hammond, and a score of other places; and such actual attempts at local revolution as the uprisings in Seattle and Winnipeg.

4. Very little has, in general, been done to prepare for such emergencies. The attitude of military authorities has usually been that riot duty is a most unpleasant task anyhow, undeserving of much attention. The undeniable fact that it is unpleasant is no excuse for slighting it; the same argument might with equal logic be applied to the digging of trenches or to kitchen police. This very contempt for the service of military protection as a subject deserving of careful study and preparation has a considerable death roll marked against it, a list of dead comprising troops, rioters, and quite innocent bystanders, whose killing was in no way needful, and who might have been permitted to live unharmed if the leaders of the military forces involved had only known one-tenth as much about this phase

Digitized by Google

of their business as they did about the far less imminent duty of killing enemy soldiers. Conditions following on the World War were such as to necessitate orders to the effect that Army units should at once prepare themselves for military protective duty; and in many cases the orders found the unit commanders absolutely at sea as to the precise method of complying with them.

5. While there are plenty of valid reasons for the general dislike of riot duty, experience has shown that much of the trouble is caused by two absolutely avoidable causes: misunderstanding of the object of military protection and ignorance as to its methods. Military protection takes no cognizance of classes nor has it any ulterior purpose to serve; its sole purpose is to protect by force the people of the United States against the enemies of their Government. No man who dares to call himself a loyal citizen can quarrel with such service, provided always it is properly performed. Most of the misunderstanding, both among military men and with the public, has, in fact, arisen as the result of acts based on duty improperly performed because of ignorance of the right methods to be employed. Just as soon as a soldier recognizes that riot and protective duty form a distinct branch of military science, involving principles, equipment, and tactics of their own, he will cease to feel an aversion for them based nine-tenths on inertia and the hope of being able, if the emergency comes, to muddle through somehow. It is, again, a matter of actual experience that officers and enlisted men who have had the duty

Digitized by Google

of military protection impressed on them not as an odious possibility but as a notable chance for public service, and who have been trained to study its conditions with a view to evolving the proper tactics to meet them, have found this work an intensely interesting part of their military training, and have gone at it with an enthusiasm due in part, at least, to its manifest usefulness.

6. There has been no lack of recognition that riot duty presents almost limitless opportunities for the exercise of tactical ability. In no form of action is a keen perception of the exact nature of the problem more essential, or a shrewd comprehension of the spirit, plans, and potentialities of the hostile forces. Those who doubt the tactical possibilities of riot service may recall that it was because of his signal success in such a tour of duty that Napoleon received his first general command. A riot threatened the Government, and Napoleon, a young and obscure artillery officer, quelled the riot. Courage, coolness, and quick thinking are absolutely indispensable to the officer who has to handle troops against a mob. He may belong to the rare race of born soldiers and do exactly the right thing by instinct, unguided by any previous experience or training, but the odds are all against it. Certainly he ought to do everything in his power to prepare himself for the crucial moment when he may be thus tested.

7. Preparation for the service of military protection, while it is necessary for all military forces, is peculiarly the duty of the National Guard. Important as it is to make the Organ-

Digitized by Google

ized Militia an efficient reserve for the Army in case of war, the fact remains that in the past half century more than 95 per cent of the Guard's tours of active duty have been in State service. The World War demonstrated that when the National Guard is drafted into Federal service for duty against a foreign enemy, it must undergo a considerable amount of intensive training, no matter how efficient it may have seemed in peace time. Riot duty, on the other hand, springs up overnight; there is no time then to send the Guard regiment to a training camp to teach it how to do its work. Such duty is an imminent possibility for every National Guard unit in the country. The whole system of American government is based on the assumption that the several States will normally be able to maintain peace and order within their boundaries. Unless disorder reaches the intensity of an actual insurrection, an appeal to the Federal Government for troops reflects no credit either on the people of the State or on those they have chosen to govern them.

8. From the constitutional standpoint there can be no question that military protection in State service is the first and chief function of the National Guard. Article III gives *Congress* authority "for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion, to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States," but it specifically reserves to the States "the appointment of the officers and the authority

Digitized by Google

of training the militia according to the discipline prescribed by Congress." Furthermore, Article X reserves to the States, respectively, "the powers not delegated to the United States by the Constitution nor prohibited by it to the States." Thus the clear intent of the Constitution is that the militia is a national force and also designed as the peace-time military force of the State, even though the State is specially forbidden, without the consent of Congress, to engage in war. The public, following the incorrect interpretation of the Constitution, has unfortunately never regarded the Organized Militia primarily as a Federal reserve. Whatever may be thought of this from the standpoint of military efficiency, the fact is indisputable that legally the first function of the National Guard is to maintain peace and order within State limits. It is absurd that the States should so often appear jealous of any attempt to lessen their control over the National Guard, and then, as soon as they find themselves in urgent need of military protection, call for aid from the Federal Government.

9. Hitherto the National Guard has been ill prepared for this phase of its duties. Its programs of instruction have taken little or no account of riot duty, largely because of the absence of guidance as to the conduct of such preparatory work. Even the National Guard Regulations, issued in June, 1919, give military protection (War Department Doc. No. 882) a weight of only *four* points out of the *fifty-three* required for original appointment as first lieutenant of infantry. This is not because the importance of the subject has not been fully recognized, but

Digitized by Google

because of the lack of material for studying it. Recent reports from the adjutants general of the several States indicate that approximately two-thirds of the States have issued no specific instructions to their troops covering riot duty, and in many cases where such instructions have been issued they have been admittedly mere suggestions and frankly inadequate. Prior to the World War this manifest lack of preparation for an obvious duty contributed much toward the "tin soldier" attitude maintained toward the Guard in many communities by considerable sections of the population; and, while the war temporarily put an end to this state of mind, it is certain to reappear wherever National Guard troops are found to be ignoring the duty which is nearest at home.

10. The use of troops, both Federal and State, but particularly the latter, in time of disaster, such as flood, fire, earthquake, or cyclone, is an essential feature of military protection. If riot duty has tended at times to arouse antagonism against the military among certain classes, its effect has been far more than offset by the feeling of enduring gratitude wherever military efficiency and organization have come to the rescue of communities hard hit by the forces of nature. It is just as much the duty of Federal and State troops to come to the rescue in such cases as it is to fight the enemy in war. The conditions governing military protection in time of natural disaster, as distinct from periods of human violence, are so varied that no attempt will be made to discuss them here; much, however, of what is here set forth with regard to training, preparation, mobilization, transportation, and administration is directly ap-

Digitized by Google

plicable to those forms of military protection which have no connection with riot duty and should be studied with the possibility of such duty always in view.

11. The World War has demonstrated, if any proof were needed, that it is neither rational nor practicable to attempt to formulate set rules to govern the action of troops under all circumstances. There was a time when the "normal attack formation" was actually prescribed; now all combat formations are treated merely as suggestions. Flexibility and ready adaptability to changing conditions are essential to all formations, whatever their purpose. No manual can be of much use when the moment for decisive action has arrived; all it can do is to indicate the principles upon which such action should be based, and to outline a course of training by which officers and enlisted men may prepare themselves to act efficiently and with sound judgment. The purpose of the present manual, therefore, is simply to serve as a guide for individual initiative, by indicating such features in the training necessary for military protection as are distinct from the usual training program, and by making clear the administrative, tactical, and legal principles on which action should be based. From what has already been said, it is evident that the first duty of this kind must fall on the State military forces, and therefore special attention has been given to conditions which are applicable for the National Guard in State service but not for the Army. Much of what is said, however, relates equally to the service of all troops on protective or riot duty.

Digitized by Google

II. GENERAL CONDITIONS OF SERVICE.

12. In general troops are called out to protect property and life for one or two reasons: either there is immediate reason to fear the outbreak of trouble which the civil authorities unaided will be unable to cope with, or trouble which has already broken out has not, for one cause or another, been suppressed by the civil authorities. In other words, the local authorities either are afraid they can not handle the situation without help, or they have actually failed to do so. It sometimes happens, also, that the higher authorities are by no means sure that the lower ones are determined to maintain order and enforce the laws; in such cases troops are generally ordered on the scene in advance of any actual outbreak, and the conditions are, in most ways, parallel to those existing when the local authorities call for help in advance of any serious disorder. The legal aspects of these various situations will be discussed later; it is, however, essential to consider their requirements in order to deduce therefrom the principles on which training and preparation should be based.

13. When troops are called out in advance of any serious outbreak of violence, whether martial law is proclaimed or not, their function is perfectly clear: they are on duty to *prevent* violence. They can not suppress or quell a riot which does not

Digitized by Google

exist, and they are manifestly performing their duty better by keeping trouble from starting than by letting it get away from them and then suppressing it. When, however, they are not ordered for duty until after complete prevention of disorder is impossible, and rioting has already set in, their first task is to stop it, promptly and effectually. Once active disorder has been brought well under control, the function of the troops becomes, as in the first case, primarily preventive. Writers have maintained with a curiously blind persistency that the suppression of mob violence is the first and almost the only function of troops on riot duty, but the facts absolutely fail to support this contention. Most tours of protective duty, whether for Federal or State troops, are reasonably protracted—witness the service of the Federal troops at Gary, Ind., in 1919, or the duty of the Massachusetts Militia at Lawrence in 1912, which lasted 52 days—and actual riots, calling for repressive measures, occupy only a very few hours of the total time. Otherwise the troops are solely occupied in preventing trouble from starting.

14. This brings up the much-discussed question of how soon and under what conditions troops should be employed. The problem is, of course, not primarily a military one; the military are not, as a rule, consulted as to when they shall be ordered out, nor is a decision on this point part of their duty. They are, however, profoundly interested in its solution, because most of their administrative and tactical provisions are directly affected thereby. It is generally agreed that anything which tends to encourage the local authorities in shirking their clear

Digitized by Google

responsibilities, and to regard a call for troops as an easy way out of their difficulties, is an unqualified evil. Wherever such a tendency manifests itself it is for the governor of the State, and not for the military, to deal with. It may be assumed that the governor will be sufficiently cognizant of the facts to be able to discriminate between an appeal for help which is simply an effort on the part of some local official to hide behind the troops and one which is genuinely caused by imminent danger. It is the function of the governor under State laws, as it is the function of the President under the Constitution, to protect the military forces of which he is commander in chief from unwarranted demands on them.

15. On the other hand, it is obviously better, from every standpoint, to prevent riots from starting than to let them get out of hand before suppressing them. Practically every riot can be prevented without bloodshed if sufficient force can be brought to bear on it in time; and while some riots give little or no preliminary warning, in most cases a few hours, or, perhaps, a few days, are available for preparation. If the troops get there first, they are likely to have little serious trouble; if they are withheld until the rioters have overpowered the civil authorities, the chances are that a vast amount of damage will have been done, and that order can be restored only at the cost of several lives. Thus the decision confronting the President or the governor, as the case may be, is immensely difficult: he must know when to put the duty of maintaining peace and order squarely up to the lower authority, and when to prevent

Digitized by Google

trouble by immediately taking hold of the situation with the strong hand of armed force.

16. It has often been argued that troops should *never* be ordered on riot service until the civil authorities have tried by every means, and failed, to preserve order. A recent manual for riot duty quotes, in its introduction, the adjutant general of one of the Western States on this point, as follows:

"I am firmly convinced that the law of every State should provide that the militia should not be called out until such time as, in the opinion of the governor, it is necessary and proper to declare martial law within the district in which the troops are to serve, and that martial law should be declared the instant the troops go on duty."

If this principle were to be consistently followed, it would mean either that martial law would be declared so frequently as to create a most serious disintegration of the common-law structure, or that the communities affected would suffer frequent and alarming losses before troops were sent to their rescue. It is only by a clear recognition of the essentially preventive nature of military protection, together with a firm determination not to permit local authorities to shirk their duties, that troops can be enabled to perform their full service to the public in the most satisfactory manner. The lack of this recognition, and the constant emphasis on suppression rather than prevention, are largely responsible for the inadequacy of many of the existing manuals, as tested by the demands of actual riot conditions.

Digitized by Google

17. Even if the theory of suppression as the essential function of troops on military protective duty were sound as regards the Army, which it is not, it would be patently absurb as applied to the National Guard. One has only to study the reports of the adjutants general covering actual tours of riot duty to realize that the main work of Guard troops on such duty has invariably been, as it always must be, the prevention of disorder. Often the trouble has started before the troops reached the scene, but even so the quelling of actual riots has occupied but a very small proportion of the time. The troops have remained on duty until the authorities felt reasonably assured that the local authorities could once more fulfill their normal function of preventing disorder, and meanwhile the troops have done this work for them. National Guard troops generally known to be well prepared for the prevention of disorder are, as a matter of fact, likely to have little to do within the district in which they would normally be called on for service; thorough preparation is in itself the most effective preventive measure possible. For National Guard troops the following scale will serve to indicate relative efficiency in military protection:

A. The unit is so efficient that no disturbance takes place in the region in which it is reasonably likely to operate.

B. The danger of trouble having warranted the authorities in calling out troops, all concerted violence is prevented by the promptness and efficiency of the unit.

Digitized by Google

C. Actual violence having started, it is suppressed promptly without bloodshed.

D. Actual violence having started, it is suppressed promptly with a certain amount of bloodshed.

E. The violence is suppressed slowly, with or without bloodshed.

F. (Indicating a lamentable degree of unpreparedness.) Violence is neither prevented nor suppressed, and Federal aid has to be summoned.

18. The essentially preventive function of all troops on duty for military protection, which may be questioned in theory but can not possibly be doubted by anyone who makes a careful study of the records of actual tours of riot duty, means that the troops seldom have to deal with armed and infuriated mobs, and are generally confronted by more or less disorderly groups, ranging in size from two or three men to thousands. If this were not the case, and if troops had nothing to do but occasionally go out and crush armed mobs, the whole problem would be simple. A platoon of infantry, with the support of a machine gun, has, if properly handled, enough strength in its fire power to overwhelm almost any mob which might conceivably form. If troops were free to open fire in riot duty just as they would fire on enemy troops in war, their task would be easy. In fact, however, they are almost never free to do so. They can not fire because the military authority in the United States is essentially subordinate to the civil, which in the long run means

Digitized by Google

public opinion; because indiscriminate killing of the members of a mob is never justifiable except as the only possible means of saving life; and because in ninety-nine cases out of a hundred most of the people who would thus be exposed to rifle fire have been guilty of no offense which would legally call for any penalty more severe than a few days in the workhouse.

19. For practical purposes it is well to make a clear distinction between those exceptional cases of concerted violence in which extreme measures are justifiable and necessary, and the great majority of instances which must be dealt with by troops without the shedding of blood. This can best be done by a careful discrimination between *crowds* and *mobs*. A disorderly crowd may be defined as a gathering of any size, inclined to violence, which as yet has not lost its collective sense of fear of the law; a mob is a similar gathering which, however, has for the time being lost such a sense of fear. This psychological difference is the only vital distinction; either a crowd or a mob may be large or small, armed or unarmed, noisy or silent. Even the firing of occasional shots does not prove the existence of a mob; in plenty of cases shots have been fired by stray skulkers from the midst of a crowd that, as a whole, exhibited none of the mob characteristics. Just as long as law and its embodiment in police, soldiers, or civil authorities are respected and feared, even if they are not always obeyed, it is misleading to say that a mob exists. To give specific illustrations, the disorders which resulted from the strike of the Boston policemen in the autumn of 1919 were the work largely, if not en-

Digitized by Google

tirely, of crowds; the outburst shortly before, in which the mayor of Omaha narrowly escaped lynching, was emphatically the action of a mob.

20. A crowd, by its very definition, is cowardly. It lacks leadership and cohesion, and while it has a vast curiosity to see how far it can go in violation of the law, its acts are furtive rather than open, and its main weapon is its tongue. To fire on any such group, composed as it is three-fourths of idlers and casuals, would manifestly be criminal. There is, however, one thing always to remember: every disorderly crowd has in it the full potentialities of a dangerous mob. Mobs all begin as crowds. The individual, even the professional criminal, is afraid of the law; if he breaks it, he does so stealthily, and not in open and public defiance of its mandates. As individuals gather into a crowd, they retain this instinctive fear, which becomes the dominant mark of the group. But if for any reason this fear is removed—if, above all, the crowd sees that it has triumphed for the moment over the representatives of the law, and is able to commit acts of violence openly and with impunity—then it is a mob forthwith. The transformation may be brought about in a moment's time. When it has happened there is no remedy save an immediate and overpowering demonstration of force, sufficient to leave no atom of doubt that the law remains fully able to assert its strength.

21. When this definition of disorderly crowds and mobs is considered in conjunction with what has already been said regarding prevention and suppression, it is clear that the function of troops

Digitized by Google

on the service of military protection is, if possible, to prevent mobs, or, if this is not feasible, to suppress them. The prevention of mobs means simply the prompt and effective handling of crowds; and thus it is through crowd tactics, not mob tactics that any military force on such service can most successfully carry out its mission. Herein lies the fundamental weakness of so much of what has been written about the handling of riots by troops; the crowd, and the limitations its nature imposes on the troops facing it, have not been studied closely with a view to evolving tactical methods which will actually meet the requirements of the situation. Even such alarming manifestations as race riots almost always start with crowds which, if caught in time, can best be handled without the application of tactics suitable and necessary for quelling a fully developed mob, and which, in any tour of duty lasting more than a few hours, as the Chicago riots of July, 1919, demonstrated, constitute ninety-odd per cent of the trouble with which the troops must cope.

22. The significance of the crowd is much increased by the fact that military protection, where it is not simply routine guard duty, is essentially an affair of cities and towns. Riots do not take place in the open country; the only exception of importance is in the case of lynching expeditions which have succeeded in getting their victims away from the towns where, as a rule, they were captured. The setting may range all the way from a straggling lumber or mining town to a great metropolis, but it will almost invariably be a place where people can

Digitized by Google

congregate near their homes, a place of streets and houses, in which a unit even as small as a platoon rarely has a chance to deploy at normal intervals, and where every rifle bullet commands several hundred possible targets besides the one intended. This, if nothing else suggested it, would be enough to show the absurdity of attempting to apply the tactics of open warfare to riot duty. Since city and town conditions have an almost limitless variety, and since the work of troops on the service of military protection may run all the way from that of policemen and firemen to that of units in front-line trenches, it is clearly impossible to lay down rules which will fit every case. When the time comes success will be determined by the courage, coolness, and keen judgment of the commanding officer and the training of the troops under him. With that fact in mind it should be his constant object to prepare for success in this battle, as in battles of any other type, by so conducting the training of his officers and enlisted men that they will understand the nature of the problems they have to solve, and have made such preparations as experience has shown to be essential to efficient work in riot duty.

Digitized by Google

III. TRAINING AND DISCIPLINE.

23. Success in any undertaking is largely a matter of readiness; the organization, military or civil, that is properly trained for its task has normally little to fear in the actual performance of it. As regards military protection, however, this obvious fact has been very largely ignored, and troops, even when active riot service was imminent, have had little or no special training for the work in hand. To a great extent this situation has grown out of the distaste of most officers, both Army and National Guard, for riot duty in any form. Such unintentional dodging of the issue has been responsible for a large amount of trouble at various times; it is the clear duty of officers, if they are to lead troops on riot duty, to do everything they can to fit those troops to acquit themselves well. A man can no more quell a riot because he has learned the principles of fire control than he can lay out a trench because he knows how to weed a garden. Both actual drill and periods of study and instruction must be utilized if the training is to amount to anything. This involves no material difficulties, for the reason that riot duty presents no new principles of training or tactics. It involves simply the application of the established principles to new conditions—which was precisely the case when the American forces undertook to adapt the tactical principles they

Digitized by Google

believed in, and rightly, as it proved, to the conditions they found in France in the summer of 1917.

24. This training should apply to all combatant units, whatever their arm, and, above all, to every unit of the National Guard. It is not possible always to provide infantry or cavalry units at the right point at exactly the proper moment, and it has frequently happened that, in an emergency, every available soldier is needed, no matter what branch of the service he may belong to. If disorder reaches a point where troops are needed, and are ordered out, it is obvious that if the only men immediately available are artillerymen or engineers, they can not take the attitude that a riot is no concern of theirs. In the Army, of course, infantry or cavalry will generally be provided for work of this kind, though this is not sufficiently certain to warrant other arms in completely ignoring all preparation for riot duty; but for State troops the need for having all units ready for protective service is, or should be, manifest. This was fully recognized in the 1919 National Guard Regulations, which included military protection among the requirements for officers of infantry, cavalry, field artillery, and engineers. The only possible excuse for not preparing in advance for riot duty is a moral certainty of never, under any circumstances, having to perform it; and it is hard to see how any troops can, under present conditions, enjoy such a certainty.

25. As in every other field of military service, the basic training of troops for the service of military protection is mental. Victory has been called a state of mind expressed in action,

Digitized by Google

and nowhere is this more true than in riot duty. Every officer must train his men to think straight about riot duty, or he will never be able to make them act straight when the time for action arrives. This mental training, as distinct from theoretical instruction, should center on three things: the military attitude, the offensive spirit, and teamplay.

26. A soldier is effective in riot duty not as an individual but as a soldier. If for any reason or at any time while on duty he ceases to act like a soldier, he not only loses his own effectiveness but seriously imperils that of his fellows. The enlisted man of the Army is not likely to fall into this error, though there have been lamentable instances of his doing so, but the National Guardsman is in constant danger of forgetting the significance of his uniform. What is easy enough for the professional soldier, generally far from home, is often very hard for the civilian soldier, particularly if he happens to be on duty in his own city. He may see some one he knows in the crowd, or he may be tempted to stop and argue a point with a windy breeder of disorder. He may be ordered to arrest or to shoot the very man with whom, in civilian clothes, he was working the morning before. He must learn, therefore, to go about his work quietly, firmly, and impersonally. He must be trained absolutely to disregard abuse, taunts, and vile language, of which a single day of riot service will bring him more than he had previously heard in his entire life. He must learn never to argue or quarrel, but simply to obey orders and to make his own orders immediately obeyed.

Digitized by Google

27. This soldierly spirit can not be built up in a day or a week. Some men have it by instinct; in others it is a slow and painful growth, to be fostered by the constant care of officers and noncommissioned officers. Collectively in a unit it develops only as fast as it does in the slowest members. It can not be taught directly; there is little use in telling troops about to march out on riot duty that they must be careful to behave always like soldiers. If they do not know it already, if they do not feel it every time they wear the uniform, eleventh-hour orders and exhortations will be of no avail. They will go out, and some of them will yield to the besetting temptations to forget momentarily that they are soldiers, and this means that their commanding officer will face possible failure instead of certain success, for the military attitude is four-fifths of riot duty.

28. The enlisted man, whether in the Army or the National Guard, is going to be just about the sort of soldier his officers make of him. They can teach him to be proud of his service and of himself or they can lead him to regard the whole thing as a succession of meaningless and more or less disagreeable duties. Every day of his military career, and every act of his superiors which in any way touches him, makes him a better or a poorer soldier. In general, his chief trouble is that he does not understand the meaning and importance of many things he is called upon to do. If, in direct preparation for the service of military protection, he is made to understand the importance of his work, its vital significance to the community, its utter absence of partisanship, and the necessity for carrying

Digitized by Google

it out in every detail with the impersonal thoroughness of a true soldier, he is likely to respond readily. It is not enough merely to explain these things; they must be hammered into him until they are as much a matter of instinct as the military salute.

29. Training of this sort is the best answer to the old argument that National Guard troops can not be counted on for efficiency in riot service at their home stations. It has often and seriously been urged that State troops are bound to be demoralized by finding themselves on duty in the midst of their fellow citizens, and this has far too often actually been the case. Properly trained, troops ought to be twice as effective at home as anywhere else, for they are defending their own community against its enemies. Their duty, rightly understood, knows no classes or interests; it is one which every loyal citizen ought to be proud to perform. If they can be taught to feel this strongly enough, and to express it in their every act while on duty, there will be no danger of demoralization. They will be able at all times and under all circumstances to maintain the military attitude; and if they do this, success is absolutely assured.

30. The offensive spirit, like the military attitude, can not be inculcated by last-minute orders, nor can it be counted on to appear in all cases amid the excitement of action. It can be developed, even in most unpromising material, by the right sort of training. Its almost unlimited importance in war has long been recognized, and it is just as important and much harder

Digitized by Google

to develop in riot duty. Men can easily be taught the true spirit of offense in dealing with a national enemy, particularly when they understand that if they do not kill him he will certainly kill them. In dealing with a crowd, or even with a mob, on the other hand, there is always the handicap which strength feels before apparent weakness: the dread of hitting too hard. It is for the commanding officer to indicate the degree and kind of strength to be used; whatever kind of action may be taken, the enlisted man must put it through in the spirit of attack. Until he is ordered to fire, his power is largely moral, and most of it is lost if he stands around aimlessly on the defensive or attacks in such a half-hearted way as to leave it in doubt whether he really means business. The offensive spirit in troops is a notable life saver: it not only saves them from casualties, but in dealing with a riot it breaks the spirit of resistance before a blow has been struck. For the National Guardsman on riot duty, in particular, the offensive spirit is his best weapon. It must always be coupled with the military attitude, which prevents truculence, bullying, and insolence; but it means that when the Guardsman faces a crowd he makes them realize from the outset that he has ceased to be a civilian, that he is going to attack, swiftly and vigorously, and that those who try to withstand his attack will be sorry for it.

31. A careful cultivation of the offensive spirit will do more than anything else to combat the most dangerous tendency of all troops, whether Federal or State, on prolonged tours of riot duty: the tendency to stand around and talk. The capacity of

Digitized by Google

the restless crowd for talk is fairly appalling; it asks nothing better than to draw soldiers into an argument, knowing that it can easily shout them down with foul language. Troops permitted to do nothing, while the public looks on, will have frequent temptations to get into discussions; the same is true of patrols and sentries on essentially defensive duty. It is the duty of the officers to see that their men are sent out as seldom as possible without some reasonable likelihood of prompt action, and so to train them that when the moment for such action comes they will instinctively attack. Men otherwise well trained may prove utterly useless in an emergency if they have not learned to think in terms of vigorous action; they may give the appearance of absolute cowardice simply because they have not mastered Marshal Foch's primary rule of strategy, "Attaque! Attaque! Attaque!"

32. There are various ways in which this spirit can be inculcated. Bayonet drill, properly conducted, has proved of inestimable value in this respect. In bayonet work, however, it is necessary always to place the chief emphasis where it belongs—on the spirit of the bayonet attack rather than on the technique of its execution. The "bayonet face" is a valuable asset to troops on riot duty. In the same way, actual exercises in the working out of riot problems can be utilized to develop the offensive spirit, if the troops are made clearly to understand that the precise formation adopted is of vastly less significance than the spirit and determination with which the men go about their work. If one detachment of troops, un-

Digitized by Google

armed, is used to represent a disorderly crowd, and a smaller detachment is sent to disperse them, to make an arrest, or to rescue a prisoner from their midst, the dash of football tactics which will result may produce a few minor bruises, but it will build up the spirit of attack, and the men will immensely enjoy it. Boxing and other forms of athletic contest are likewise of great importance. Every time a company commander sees two of his men mauling each other with the gloves he knows he has at least two soldiers he can count on to attack as if they meant business when they get the order. A regiment of capable boxers could probably disperse almost any crowd or mob by merely looking at it. Football, basketball, and water polo teach both the offensive spirit and its concomitant, physical courage. It is interesting to note in this connection that the French manuals for infantry training devote many pages to the organization of athletics, with particular emphasis on their moral influence. The precise manner for inculcating the offensive spirit is, as a rule, for the company commander to determine; but he may be sure that if he fails to pay considerable attention to this phase of the training of his men, he is going to repent his negligence when he has to meet the demands of the service of military protection.

33. Underlying all military success is teamplay. In riot duty, as everywhere else, the soldier's strength lies in the fact that he is part of a team, a unit which, by its immediate response to a single will, is able largely to disregard numerical odds. On such duty the troops are almost always sure to be

Digitized by Google

greatly outnumbered; public opinion rightly demands that their overpowering source of strength, which lies in their rifles and machine guns, be held strictly in reserve as long as possible. Their chief tactical advantage over the crowd is their closely knit teamplay, and if they lose this they court defeat. The weakness of many bodies of troops lies in the tendency of the men, under the impulse of excitement, to forget that they are effective not as individuals but only as parts of a machine. Teamplay, in substance, means simply that the commanding officer can make his will immediately and effectively felt, and promptly translated into action, by every man under his command, and this he can not do unless each company, platoon, section, and squad is trained to do its work in proper relation to the work of the whole body.

34. If this fact is constantly kept before the men, it will provide a definite motive which will be of great assistance through the hours of close-order drill. Soldiers are entitled to know the reason for such drill, which they often dislike, and still more often fail to understand; and they will grasp it with genuine enthusiasm if they are made to realize that close-order drill is to fighting what signal drill is to football. The quarterback who, on signaling a line plunge, found his fullback preparing for an end run, and his ends starting to go down under a kick, would be in a position analogous to that of the officer who was not sure what all his men would do when he gave a command. While it is true that every soldier must be trained to use his own judgment and initiative at the proper time, it is still more

Digitized by Google

true that, whether the unit for the moment is a squad or a regiment, there is one man, and one only, in command. He may make mistakes, but it is infinitely better that he should make them, and have his men obey his orders, than that some of them should endeavor to correct what they take to be his errors by acting in opposition to orders and according to their own judgment of what should be done. It means hard work, this training a group of soldiers into a smoothly running cohesive team, but the conditions of riot service absolutely demand it. It can be done through the routine of drill, but only if that routine is enlightened by clear explanations, which every man is made to understand, of the underlying purpose and the necessity for teamplay.

35. The requirements of riot duty involve relatively little special preparation in drill. The mental training already outlined can be given through the medium of the customary drill for each arm, with emphasis placed on the relation of what is being done to possible active service. Precision in the execution of simple movements, including the manual of arms, is of special importance in relation to riot duty, because of its extraordinary psychological effect on the crowd. It has been said, and rightly, that bloody riots have been prevented by the proper execution of right shoulder arms. The men should be so well drilled that, when confronting a disorderly crowd, they will always execute close-order movements with snap and precision and movements in extended order with speed and sureness. Here again the men can be made to take a much greater in-

Digitized by Google

terest in drill by being shown its practical utility. They know that they are never likely to execute squads right on an actual battle field, but they may at any time have to execute it within view of a disorderly crowd, which will probably by instinct base its future course largely on the degree of military efficiency which the execution of the simple movement indicates.

36. The present tendency of military training is to throw more and more of the responsibility of leadership on the shoulders of the lieutenants and noncommissioned officers. This is of great importance in preparing for riot service, in which conditions are normally such that whole companies can rarely be held together except deployed in considerable depth, and thus smaller units—squad, section, and platoon—become the real bases for action. For this reason it is essential that the junior officers and noncommissioned officers should be trained to be real leaders, possessing the confidence of their men, and capable of handling them to the best possible advantage. The small units will follow their commanders far better in an emergency if they have had frequent drill under them, detached from the rest of their company. The conditions of street fighting make the two-squad section the most important of these small units. The attack will normally be up or down a street, not across it, with the attacking line deployed from building line to building line. Deployment at wide intervals is generally undesirable, for reasons to be discussed later; the old rule of one man per yard of front fits the case well. Two squads thus deployed will exactly cover a 50-foot street; even on a somewhat wider

Digitized by Google

street the use of a platoon of three or four squads would involve crowding. A four-squad platoon would thus normally deploy in two waves, each consisting of a section, led by a sergeant. The training of the two-squad section in drill so that it becomes used to acting as a detached or semidetached unit under its own leader is thus particularly desirable.

37. There are, however, certain fundamental conditions governing riot tactics which should be directly reflected in drill and which involve slight departures from the standard methods. Since the combat tactics designed for infantry are based on the use of rifle fire and the bayonet, it follows that their formations can not possibly prove altogether adapted to conditions wherein rifle fire and the bayonet must of necessity be withheld as long as possible. The fundamental point of difference is this: that in infantry combat tactics it is essential that no man in the advancing line should even partially mask a comrade so as to interfere with his field of fire or get between the point of his bayonet and the enemy. Where fire and bayonet action are alike, at least partially precluded, on the other hand, shock action and actual contact become the only alternative, and it is desirable that the men should be so echeloned as successively to support one another. The principle involved is simply that enunciated as the result of experience in the World War, "the assault is executed by units disposed in depth" (War Department Doc. No. 802, May, 1918), with the specific application altered to meet special conditions. For shock action depth and impetus are best supplied by formations which will bring

Digitized by Google

constantly increasing pressure to bear when and where resistance is encountered. If the advance of an ordinary deployed line is checked, say, in the center, the further advance of the flanks pulls the men wider apart, and actually weakens the line at the very moment when added strength is most needed. If, on the other hand, both flanks are echeloned in depth, so as to form a *wedge*, any attempt to hold up the progress of the center, which is sure to encounter the first resistance by reason of its advanced position, will serve to concentrate the whole power of the formation where it is most needed. This principle supplies the essential basis for such special formations as are rendered desirable by the conditions of riot tactics.

38. It must be clearly understood that "standard" or "normal" formations will work no better in riots than anywhere else. The object of all special drill in riot formations should be not to teach the men to think that these are the only possible formations to be adopted, but to train them to be able to assume, without hesitation or confusion, whatever formation is best adapted to the needs of the moment. Their drill should be sufficiently thorough so that, if unexpectedly left to act on their own initiative, they will take the most effective formations instinctively. The *principle* of the wedge, repeatedly tested and found efficacious in the handling of crowds and mobs, is far more important than the precise manner of its formation, or the number of men composing it. It is essentially an attack formation and training in the use of it will go far toward cultivating the offensive spirit. Since, however, all ex-

Digitized by Google

tended-order drills are properly regarded as in the nature of disciplinary exercises, to be executed with accuracy as well as speed, the following specific instructions for the application of the wedge principle in drill are given:

39. The squad being in line, assembled, to form wedge: 1. SQUAD, 2. *Wedge.*

The corporal gives the command, and at the command of execution springs about 3 paces to the front, in front of No. 3 front rank. The men, moving at a run, with pieces at high port, post themselves in two lines to his right and left rear, each man one-half pace behind and one-half pace to the right (or left) of the man ahead of him. As in an ordinary deployment, No. 1 rear rank is on the right flank, then No. 1 front rank, with No. 2 rear rank next the corporal. No. 2 front rank is on the corporal's left, then No. 3 rear rank and No. 3 front rank. No. 4 of the rear rank follows the corporal and takes position inside the wedge. If the movement is executed from a halt, the corporal and the men halt when they reach their proper position; if the squad is marching in quick or double time, it maintains its gait. The corporal sets the wedge in motion from a halt, and regulates its gait and direction with the command, FOLLOW ME.

The formation on page 32, War Department Document No. 882, is a much less confusing formation and partakes more of football tactics. It is more effective in shock effort and in opening a hole. The squad assembles from wedge formation

Digitized by Google

exactly as prescribed in paragraph 127, Infantry Drill Regulations.

The squad being in wedge formation, marching at quick or double time, to march to the rear: 1. To THE REAR, 2. *March.*

If marching at quick: all the men execute *to the rear, march.* No. 4 of the rear rank takes the double time for about 6 paces, when he resumes the quick time. No. 2 rear rank and No. 2 front rank take the double time till they are one-half pace to the rear and one-half pace to the left and right, respectively, of No. 4 rear rank, when they resume the quick time. No. 1 front rank and No. 3 rear rank execute the same movements with relation to, respectively, No. 2 rear rank and No. 2 front rank. No. 1 front rank and No. 3 front rank simply execute *to the rear, march.* The corporal follows No. 4 rear rank, taking position inside the wedge.

If marching at double time; all the men except No. 4 rear rank assume quick time before executing *to the rear, march.* The movement is executed as above, No. 4 rear rank maintaining the double time, and the rest conforming to his gait.

In effect, the wedge in executing *to the rear march,* turns itself inside out, No. 4 rear rank replacing to corporal at the apex.

40. The section (two squads) being in line or column assembled, to form wedge: 1. SECTION, 2. *Wedge.*

The section leader gives the command, and at the command of execution springs about 6 paces to the front, in front of the center of his section. The men, moving at a run, with pieces at

Digitized by Google

high port, post themselves in two lines to his right and left rear, each man one-half pace behind and one-half pace to the right (or left) of the man ahead of him. The first (right or leading) squad deploys on the section leader's right rear, the second (left or rear) squad on his left rear. Each squad deploys in the usual order, rear rank men to the right (right front or right rear) of their file leaders. The corporals take post in rear of their respective squads, inside the wedge. If the movement is executed from a halt, the section leader and the men halt when they reach their proper positions; if the section is marching in quick time, the wedge continues to advance in quick time; if it is marching in double time, or if double time, march, is signaled or commanded as the men deploy, the section leader maintains quick time until all the men are in position; the wedge then assumes double time without command. The section leader sets the wedge in motion from a halt and regulates its gait and direction with the command, FOLLOW ME.

The section being in wedge formation, to assemble in line: 1. ASSEMBLE, 2. *March.*

The section leader halts, facing the section. The corporal of the first squad posts himself facing and one pace distant from the section leader; his squad moves toward him, the men forming in their proper places. No. 1 front rank of the second squad posts himself abreast and 4 inches to the left of the corporal of the first squad; the second squad assembles on No. 1 front rank.

The section in wedge formation marches to the rear as prescribed for the squad, except that the section leader continues to

Digitized by Google

march at the apex of the wedge, and that the corporals pass through the line so as to retain their positions in the rear of their respective squads.

If already deployed, both squad and section assume the wedge formation at the command: 1. SQUAD (SECTION), 2. *Wedge.* The leader springs forward, the men assuming the proper relative positions successively from the center to each flank. Conversely, deployed line is formed from the wedge simply by the center waiting for the flanks to come up.

The wedge may be formed by a unit of any size, according to the method prescribed for the section; but in practice it will be found that units larger than the section can rarely be employed to advantage in wedge formation, and therefore in drill the execution of the wedge should be confined to one-squad and two-squad units.

41. The wedge is the basic formation for crowd tactics, and should be thoroughly practiced in drill, together with an important modification of it: the diagonal. This is simply a half wedge, for use when one flank is strongly covered, as by an unbroken building line.

The squad being in line, assembled, to form diagonal: 1. DIAGONAL GUIDE RIGHT (LEFT), 2. *March.*

If the guide is right: No. 1 rear rank passes to the right of his front-rank man and moves forward at a run for about 6 paces. No. 1 front rank follows him, and posts himself 40 inches directly behind him. The other men form line to the left rear of No. 1, front rank, each man one-half pace behind

Digitized by Google

and one-half pace to the left of the man ahead of him. The order of the men is as for the deployed line, rear rank men to the right (and front) of their file leaders. Pieces are carried at high port. The corporal posts himself in front of No. 2 rear rank. If the movement is executed from a halt, the corporal and the men halt when they reach their proper positions; if the squad is marching in quick or double time, it maintains its gait. The corporal sets the diagonal in motion from a halt, and regulates its gait and direction, with the command, FOLLOW ME.

If the guide is left: the corporal moves forward at a run. No. 4 rear rank, followed in column by No. 3 front rank, runs forward for about 6 paces; the others post themselves in the normal deployed order successively to the right rear of No. 3 front rank. Rear rank men are to the right (and rear) of their file leaders. The corporal takes post in front of No. 3 rear rank. (See pp. 33, 34, 35, War Department Doc. No. 882 for a more effective formation for shock action.)

The squad being in diagonal formation, to assemble in line: 1. ASSEMBLE, 2. *March.*

The corporal takes position in front of the squad and halts; the men assume their proper positions in relation to him.

42. The section (two squads) being in line or column, assembled, to form diagonal: 1. DIAGONAL, GUIDE RIGHT (LEFT), 2. *March.*

If the guide is right: the first (right or leading) squad executes *diagonal, guide right, march,* as prescribed for the squad,

Digitized by Google

except that the corporal posts himself behind No. 2 front rank, and that No. 1 rear rank moves forward about 10 paces; the second (left or rear) squad forms successively to the left rear of the first squad, No. 1 rear rank being one-half pace behind and one-half pace to the left of No. 4 rear rank of the first squad; the corporal of the second squad takes post in rear of No. 2 front rank of his squad. The section leader posts himself in front of No. 2 rear rank of the first squad. If the movement is executed from a halt, the section leader and the men halt when they have reached their proper positions; if the section is marching in quick time, the diagonal continues to advance in quick time; if it is marching in double-time, the section leader takes quick time until all the men are in position; the diagonal then resumes the double-time without command.

If the guide is left: the second (left or rear) squad executes *diagonal, guide left, march,* as prescribed for the squad, except that the corporal posts himself behind No. 2 front rank, and that No. 4 rear rank moves forward about 10 paces (or 12 if the diagonal is formed from column). The first (right or leading) squad forms successively to the right rear of the second squad, No. 4 rear rank being one-half pace behind and one-half pace to the right of No. 1 rear rank of the second squad; the corporal of the first squad takes post in rear of No. 2 front rank of his squad. The section leader posts himself in front of No. 3 rear rank of the second squad.

The section being in diagonal formation, to assemble in line: 1. ASSEMBLE, 2. *March.*

Digitized by Google

If the diagonal is marching, it halts. No. 4 rear rank of the first (right) squad and No. 1 rear rank of the second (left) squad move straight to the front till they are two paces ahead of the advanced flank of the diagonal, and then halt. The squads form on them in line, the two base men remaining in the front rank till their squads are formed, when they drop back.

If already deployed, both squad and section assume the diagonal formation at the command: 1. DIAGONAL, GUIDE RIGHT (LEFT), 2. *March.* The leader and the flank man on the side toward which the guide is announced spring forward, the men assuming the proper relative positions successively from the side of the guide. Conversely, deployed line is formed from the diagonal simply by the advanced flank waiting for the rest of the men to come up on the line. The same principles govern changes from wedge to diagonal and from diagonal to wedge.

As in the case of the wedge, the section is the largest unit which can profitably be drilled in the diagonal.

43. The tactical effectiveness of these two formations, the wedge and diagonal, depends very largely on the precision and speed with which they can be executed, and the steadiness with which the men can retain them in the face of opposition. They should, therefore, be frequently practiced at drill. It is an excellent plan to test them by detailing three or four squads, unarmed, to represent a crowd, and sending wedges and diagonals against them at both quick and double time. This practice has particular value because it is far easier to teach men to assume

Digitized by Google

their positions quickly in the wedge or diagonal than it is to make them stay there when resistance is encountered. The temptation to carry on a single combat with an obstreperous opponent is often great, but every man must be made to realize that it is his duty to stay in his place, and, if personally attacked, to get rid of his opponent as expeditiously as he can, preferably with the butt of his rifle, without permitting the formation to be broken. An occasional dash of football tactics in drill, in order to try out the formations designed for this kind of shock action, will do much toward fitting the men to meet actual hostile resistance with steadiness.

44. While no other specific formations for crowd tactics are essential, there is one peculiarity of duty of this sort which must be met by formations not included in the Infantry Drill Regulations. Not only must deployment often be very rapid, but it must be almost equally rapid irrespective of the direction. A platoon or company must be able to deploy to either flank, or to the rear, as rapidly as to the front. If in line, it will normally deploy to the right or left flank by executing *squads right* (*left*), and then *as skirmishers, guide right* (*left, center*). As a rule, however, the need for quick deployment to the flank will come, not when the unit is in line, but when it is marching in column of squads. Careful tests have demonstrated that there is a material loss of time involved in first swinging from column of squads into line and then deploying. The following movement is, therefore, recommended for deploying rapidly from column of squads to either flank.

Digitized by Google

The platoon or company being in column of squads, marching at quick or double time, or at a halt, to deploy to the flank: 1. SQUAD COLUMNS TO THE RIGHT (LEFT), 2. AS SKIRMISHERS, GUIDE RIGHT (LEFT, CENTER), 3. *March.*

At the first command, the corporals command, FOLLOW ME, and if the command is TO THE RIGHT, they dart through the column to the right flank. At the command of execution, the corporal of the base squad moves by the right (left) flank, his squad following him in squad column; he deploys it on reaching the line indicated by the platoon or company commander. The other corporals lead their squads, each in squad column, diagonally toward the flank indicated, moving away from the base until each, successively, has room to deploy on the line marked by the base squad. Each corporal deploys his squad as it comes on the line.

This movement, properly executed, will save several seconds over the deployment preceded by a change from column into line. Once the men have learned it, it should be executed only at double time. It is in no sense specifically a riot movement; its importance lies merely in the fact that riot conditions often necessitate an exceedingly quick deployment to either flank from a column of squads on the march.

45. Books and pamphlets on riot duty, particularly the older ones, are full of elaborate special formations for the company, the battalion, and even the regiment. The tactical value of these will be discussed later; so far as drill and training are concerned, they should be ignored. Complex, elaborate, and,

Digitized by Google

above all, inflexible formations are just as bad in riot duty, as they are everywhere else; and most of the special riot formations, such as the street column, the hollow square, etc., are relics of the days of Scott's and Casey's three-volume infantry tactics. For example, the General Regulations for the Military Forces of the State of New York, published in 1858, contains such commands for riot duty as these: 1. As LIGHT INFANTRY, 2. STREET FIRING, ADVANCING, 3. BY THE LEFT, DOUBLE FILES, 4. *March;* and 1. TO THE REAR—UNDOUBLE COMPANIES, 2. BATTALION, ABOUT FACE! 3. COLUMN FORWARD, 4. *March.* It takes about a page of fine type to explain each of these evolutions, and they are only two out of a dozen or more. Outside of the wedge and diagonal, for squad and section units only, the less one confuses himself and his men with special riot formations, particularly those involving large units, the better off he will be when the time comes.

46. On actual riot duty all troops, even in small units, will have to work mainly by signal because of the noise. Even if this were not the case, it must always be remembered that the hoped-for type of victory is a moral one, the crowd breaking at sight of the troops before it is actually attacked; and troops moving with speed and precision by signal, without word of command, are doubly effective. This can be accomplished only by rigorous training in drill. Not only should the usual drill by arm signals be frequent, but the men should be trained to work by signal at night, out of doors, the officers carrying small flashlights. This is of great importance, as serious trouble is

Digitized by Google

far more likely at night than in the daytime and confusion is then much harder to avoid. Only a few additions to the normal arm signals (C. I. D. R., Nos. 2, 14, 23) are necessary, as follows:

Wedge.—Raise both hands to the shoulders, fists closed; thrust diagonally forward and outward, repeating the movement several times.

Diagonal.—Raise both arms laterally, one 45 degrees above the horizontal the other 45 degrees below it (compare position of letter "L" in two-arm semaphore). The arm raised higher than the other will indicate the guide.

Section.—Same as *group.*

Squad columns to the right (*left*), *as skirmishers, guide right* (*left, center*). Signal *squad columns,* swing arms sharply to right (left), and signal *as skirmishers, guide right* (*left, center*).

To deploy the platoon by squads or sections or the company by squads, sections, or platoons from column of squads: signal *platoon* (*company*) to designate entire unit, then *squad* (*section, platoon*) and *as skirmishers.* It is often desirable thus to form the platoon or company in a column of short deployed lines. A column of squad or section wedges or diagonals may be similarly formed by substituting the appropriate signal for *as skirmishers.*

Conversely, to deploy only the leading squad, section, or platoon of a larger body, the remainder continuing in column of squads: signal *squad* (*section, platoon*), followed by *as skirmishers* (or *wedge,* or *diagonal*). This is often useful in order

Digitized by Google

to form an advance guard in attack formation when approaching a crowd.

47. Outside of the matters already mentioned, and the specific instruction to be given in officers' and noncommissioned officers' schools, the ordinary system of drill and training in use for all troops will adequately take care of the needs of riot service. Special attention should, however, be paid to certain phases, particularly in the case of National Guard troops. Foremost of these is physical training. It must be remembered that a summons to riot duty may come at any time, almost without warning; that the first part of such a tour of duty is almost certain to be exhausting, and that the men, many of them from clerical, indoor jobs, can have no preliminary hardening in camp. It is often three or four days before the normal routine of reliefs can be fully established, and meanwhile the men may be called on to serve for long hours, regardless of weather, with little sleep, uncertain food supplies, and in the face of constant danger. The wise regimental or company commander has, through his medical officers, kept careful watch over the physical condition of his men; he has eliminated the unfit, or detailed them for limited service only; and he has toughened all those who are qualified physically to go into the fighting line by giving them all the athletics, route marches, skirmish runs, bayonet drills, and active outdoor work of other kinds that he and they can possibly find time for. Emergency service of any kind is likely to prove a great physical strain for the average civilian; and it is the duty of his officers, first, to see that he

Digitized by Google

is not actually organically unfitted for such service; and, second, to give him every opportunity to harden himself and keep in good condition, and to see to it that he avails himself properly of such opportunities.

48. The importance in relation to riot duty of carrying out to the full the prescribed training in rifle shooting is manifest. A man who has never fired a service rifle should never, under any circumstances, be sent out with one on riot duty; if he is, he is a perpetual menace to civilians, to his comrades, and to himself. He may have been taught the mechanism in the armory, but if his natural nervousness on duty is intensified by the feeling that he is carrying a weapon the potentialities of which he does not know from personal experience, there is no telling what he may do. The conditions of street fighting make the discharge of a high-powered rifle far more dangerous than in open country. Furthermore, these conditions place a special premium on accurate marksmanship; a volley is seldom ordered, but it may at any time be necessary to pick off a sniper or an armed ringleader. To do this, a rifleman must be able to hit exactly what he aims at and, above all, to do it at close ranges. A man who has never fired at a target less than 200 yards distant will find his rifle doing strange things when he aims at a sniper on a roof 50 yards away, particularly if he does it in a hurry with battle sight. If, on the other hand, the troops are equipped with "guard" ammunition, their fire is more than likely to fall short if they have not been taught and trained to make the necessary corrections. A distance of

Digitized by Google

100 yards, with ordinary "guard" ammunition, requires an elevation of about 400 yards; a 200-yard distance needs 600 elevation, and 300 yards a full 800. The rifle training in all its branches should be carried out with an eye to possible riot service, and the same is true of training in pistol shooting. Troops fortunate enough to be equipped with riot guns (shotguns) should have special practice in their use.

49. Throughout the entire program of training, preparation for the service of military protection should be adequately cared for, less by special exercises and drills than by keeping in mind the peculiar requirements of this kind of duty, and adapting the usual exercises thereto. Not only will such a process fit the troops for an emergency, if it ever arises, but it will materially stimulate their interest and enthusiasm in the routine of their work, particularly if the competitive element be added. For example, the rapid loading of troops on trucks, and their rapid detrainment and deployment, are matters of great importance in connection with riot duty. The effect on a crowd of a big truck coming up, bristling with armed men, who straightway leap down into formation for instant action, is thoroughly demoralizing; but all its potential influence is lost if the men detrain slowly or delay in assuming their positions. Entrainment and detrainment with trucks can profitably be made the basis for frequent drills, with races between units working on trucks placed side by side. A well-trained platoon of four squads ought to be able to entrain on the truck, or to detrain from it and form skirmish line, in under 30 seconds. This sug-

Digitized by Google

gestion indicates but one of the many ways in which the drill schedule can be adapted to the special needs of riot duty; if the commanding officer really understands those needs, he will have little difficulty in devising ways to prepare for them.

50. There should, of course, be special preparation for the service of military protection in schools for officers and noncommissioned officers. It is a mistake to expect the latter to make a very extended study of the subject, particularly at the outset; officers should limit the preparatory work in noncommissioned officers' school to those matters with which the enlisted personnel is directly concerned. If an attempt is made to go far beyond this, at least until the fundamentals have been thoroughly mastered, the result will be simply confusion and discouragement. Officers, on the other hand, in view of the possibility that any one of them may suddenly find himself in a position of virtually independent command, should make a careful study of the tactical and legal principles underlying the service of military protection, as outlined herein, and of the local conditions affecting such service in the regions in which action seems reasonably likely. A competent and well-informed police officer can often give much useful information at an officers' school. Officers stationed in or near large cities can learn many things of value from city officials, social investigators, fire-department heads, and others who are peculiarly intimate with those conditions which, in any city, will determine the special features of its disturbances. Practice in sketching and map making, with special reference to city condi-

Digitized by Google

tions, is of considerable importance; there is at least one instance on record where several lives would have been saved, and a riotous mob promptly dispersed, if the reconnoitering officer had known how to draw a map showing correctly a railroad cutting. Above all, the instruction of officers as to the main legal principles involved in riot duty should be carefully supplemented by precise instruction as to the laws of the locality in which the unit is most likely to serve.

51. One phase of the training of officers has been so well set forth by Gen. Babcock ("Manual for the Use of Troops in Aid of the Civil Authorities") that his words are here quoted verbatim: "Officers should bear in mind that the familiar street sights of their everyday life furnish ample opportunities for their military instruction. How traffic should be controlled; how crowds should be handled; how buildings or barricades should be guarded or attacked; how troops should be camped, supplied, and cared for; these and other kindred questions are continually before their eyes for study and observation. The terrain is ready at hand, and crowds of people and congestion of traffic are not uncommon. Hence, officers should avail themselves of these valuable opportunities and treat them as problems for solution."

Digitized by Google

IV. PREPARATION—EQUIPMENT—INFORMATION.

52. As in drill and training, so in the matter of equipment it is possible to make valuable preparation for the special demands of the service of military protection, without any necessity for departing far from the ordinarily prescribed rules. While it is true that the equipment is limited by what is available at the moment and actually issued, it is also true that a commanding officer who knows precisely what he wants, and why he wants it, is likely, within reason, to get it. It can not be said too strongly that the time to prepare all necessary equipment is long before trouble begins; when troops are ordered for duty every article they need should be instantly available. This is particularly true of National Guard troops, and much of what is here said regarding equipment applies almost solely to them, as troops of the Army are far more likely to have their full equipment constantly in shape for immediate action. Even in the Army, however, a failure to understand the conditions of riot service has frequently resulted in inadequacies of equipment when a sudden summons to duty has come.

53. The first question is, of course, that of arms. Military protection is essentially an infantryman's work; cavalry, though

Digitized by Google

under some conditions of the greatest value, are almost helpless unless supported by infantry; and artillery seldom get any chance to act as such at all. It used to be maintained that, for all purposes, the infantryman's sole weapon was the rifle with bayonet, but the World War has effectually dispelled that illusion. The rifle remains, however, the basic weapon for infantry, and for troops of other arms fighting on foot; and it is the weapon with which most of the battles in riot service will naturally be fought. For this service the rifle has certain manifest advantages, and certain equally clear drawbacks. It has, particularly with bayonet fixed, an immense moral influence; it is the accepted mark of the soldier, sharing this proud position with no other arm. At long range it has killing power enough to dispose of almost any mob that ever was formed; at close quarters, if skillfully and, above all, offensively handled, it has great potentialities in both the bayonet and the butt. On the other hand, its killing power is so great, and its range so extensive, that its use as a firearm against crowds is generally prevented by local conditions, and its moral influence is greatly diminished by the general belief of the crowd that the order to fire will not be given. Finally, when used as a club, the rifle is unwieldy.

54. These distadvantages do not prevent the rifle with bayonet from being the basic weapon for troops on riot duty; but they do suggest limitations as to its use and the necessity for supplementing it with other arms. The objection to its use as a firearm in city disturbances, except in the hands of sharp-

Digitized by Google

shooters, is largely overcome by the use of "guard" ammunition, which is generally available for both National Guard and Army units. A plentiful supply of this short-range, light-projectile ammunition should always be kept on hand. Even with "guard" ammunition, riot guns with short barrels are of great value, on account of their limited carrying power and wide dispersion, and the fact that shells loaded with different sizes of shot can be used. The sawed-off shotgun came into prominence as a military weapon in the American Expeditionary Forces, and it is by all odds the best firearm for riot duty. The pump-gun type is, on the whole, the most serviceable, the automatic being too liable to accidental discharge in the hands of excited and not always experienced troops. The barrel should be cut down to about 23 inches. The 12-gauge shell loaded with No. 1 shot is particularly effective and is not excessively dangerous; buckshot, however, may also be used. The sawed-off shotgun is useful only for its fire power at close quarters; for sharpshooters it is far less effective than the rifle, and thus should supplement the rifle but by no means supersede it.

55. Most of the work of quelling riots has actually, of course, been done by police with riot sticks. There can be no question that, considered simply as a weapon, the riot stick, supported by the necessary reserve fire power, is the ideal arm for riot duty. There is no possible element of bluff about it, nothing that makes a commanding officer hesitate to order its use. It is the very incarnation of the offensive spirit. There is, however, this great objection to its employment by troops; it is not

Digitized by Google

regarded as a military weapon. This does not matter in the least, so far as the troops themselves are concerned, but it vitally affects the influence their appearance has on the crowd. It is quite possible that if disorderly persons once become fairly accustomed to the limited use of riot sticks by troops, it will be feasible some years hence to arm whole commands thus without in any way detracting from their prestige. At present, however, the use of the riot stick must be confined to men on special duty, such as military police and motor patrols. A squad or so of men armed with riot sticks operating with each company presents many tactical possibilities. Riot sticks for military purposes should not be the short, heavy clubs used by many police forces, which are almost useless for thrusting purposes, and give a short reach, but should be straight, round sticks of oak or other hardwood, approximately 30 inches long and an inch and a quarter in diameter. A hole should be bored 10 inches from one end, and through this should be run a stout thong forming a loop some 16 inches long. In use, this loop should never be twisted round the wrist but round the hand just at the base of the fingers, passing between the thumb and the first finger. This makes possible either a long or short grip of the riot stick, in the first case both strands of the thong being twisted round the thumb after the hand has been inserted in the loop, and in the other the strands both passing again round the whole hand, exclusive of the thumb. In the long grip, the riot stick is grasped at its extreme end; in the short one it is seized close to the hole through which the thong passes. Handbooks of

Digitized by Google

singlestick exercise will suggest excellent methods for training and competitions with the riot stick.

56. The present scheme of organization for the infantry platoon suggests a basis for the distribution of the three arms: rifles, shotguns, and riot sticks. In a platoon of 58 enlisted men there are provided 17 riflemen, 15 automatic-rifle men, 12 hand bombers, 9 rifle grenadiers, and 4 runners, with 1 sergeant as assistant to the platoon commander. For riot duty the automatic rifles may well be dispensed with; they are worse than useless unless the order to fire is given, and then they are far too dangerous. Even in the worst emergencies a single machine gun is quite adequate for the work, as the extreme mobility of the automatic rifle over broken ground is seldom or never needed on riot service. The automatic-rifle men may then be armed with rifles. The rifle grenadiers may be converted into a shotgun group, and the hand bombers armed with riot sticks, for rifle grenades and bombs, if used at all, would be at the direction of the commanding officer only and would be of little or no use to companies in the field. This arrangement would give, as a basis for riot-duty organization, 32 riflemen, 9 shotgun men, and 12 men armed with riot sticks, the runners retaining their usual duties. They, as well as the riot-stick men, should if possible carry pistols for purposes of self-defense. Such a distribution of arms would make full use of whatever training the men had had in working as combat groups.

57. In many National Guard units considerable difficulty is experienced in making the men keep their arms constantly in

Digitized by Google

good condition. Here, again, the possibility of active service, if kept constantly in mind, will act as a great stimulus to doing work which otherwise would appear distasteful. Frequent inspections should be made to insure that, on a sudden call, valuable time will not be consumed in cleaning the rifles for service. If a man can be made to understand that his life may depend on his having his rifle free from rust, the heavy oil carefully cleaned out, and the bolt and chamber in condition to minimize the danger of a jam, he will keep his piece clean. A careful check should at all times be kept on the reserve ammunition supply, with, if possible, 100 rounds per man—50 service and 50 "guard"—always available and ready for instant issue. Whenever any of this ammunition is issued the amount received by each man should be carefully noted, and he should be held strictly accountable for it, with frequent inspections during the tour of duty. This practice will not only save ammunition but, which is vastly more important, check any tendency to desultory and unauthorized firing. The supply of pistol ammunition and also of shotgun shells, if shotguns are used, should be maintained at the rate of 100 rounds for each man thus armed.

58. The great reserve weapon for the service of military protection is, of course, the machine gun. Its enormous moral influence is limited only by the fact that crowds and mobs seldom believe it will actually be used. No riot can exist in the face of a machine gun, adequately supported by infantry, if it once realizes that fire is going to open. Machine guns have often been used in street fighting in European cities, and with terrible ef-

Digitized by Google

rectiveness, in American city riots machine-gun fire has seldom, if ever, been employed. This makes the machine gun essentially the weapon of the reserve, its presence there doubling and trebling the potential strength of the first-line troops. It is desirable that any military force entering on a tour of riot duty should have at least one machine gun available, with not less than 5,000 rounds of ammunition per gun.

59. Much has been said regarding the possible use of bombs, hand and rifle grenades, and explosives generally, in the service of military protection; but the conditions of this service are such that the only possible use for weapons of this type is in the attack of buildings or barricades. If a strong barricade has been thrown up, in such a position that it can not be enfiladed or fired on from commanding roofs, a grenade or two, accurately aimed, will do the business promptly. High-angle fire is also sometimes needed to dislodge armed rioters from housetops or windows whence they are able to fire on the troops. A very small number of bombers or grenadiers in any command is quite sufficient for all possible demands of this kind; but it is very important that these few specialists should be exceedingly well trained and that their equipment should be at all times available. The same thing is true of men trained in the use of high explosives: only a few of them are needed in any command, but the time may come when these few may be needed badly to destroy a building, blow up a barricade or obstruction, or otherwise to facilitate the ac-

Digitized by Google

tion of the infantry. At least one officer in every battalion should be something of an expert in the use of explosives.

60. The recent development of subsidiary infantry weapons has rendered obsolete the old rule that an attack on a fortified building is essentially an artillery problem. Artillery as such now has no real place whatsoever in the tactics of riot duty. If a house or other strong position occupied by rioters is to be demolished, it can best be done by the Stokes mortar, for high-angle fire is of the utmost importance in such an operation. For this reason the light mortar should under no circumstances be neglected as a weapon for riot duty. Owing to the destructive nature of the projectile, the mortar can not be used, except against a completely isolated building in open country, unless it is handled by officers and enlisted men trained to make the most of its great potential accuracy.

61. One danger in the matter of arms which National Guard commanders must do their utmost to eliminate is the tendency of some soldiers to carry weapons other than those issued to them. Unauthorized revolvers turn up strangely among National Guardsmen on duty and are a prolific source of accidents. It is a truism that a cheap revolver is twice as dangerour to the man who carries it as it is to anybody else. Not only are unauthorized weapons pretty sure to cause accidents, but their presence is a constant inducement to disobedience. Strict orders should be issued covering this point, and the punishment for proved disobedience should be such as to make a repetition of the offense most improbable.

Digitized by Google

62. As regards clothing and personal equipment, the main thing is to have it always ready for instant use. Troops of the Army naturally do not often have trouble in this respect, but experience has shown that the initial effectiveness of National Guard units is often seriously impaired by delays and uncertainties as to equipment. Uniforms should always be kept in the armory, if possible in individual lockers. Arrangements should be carefully made to have the reserve equipment for each unit instantly available; nothing is more demoralizing than to have men report for duty only to find the company supply room locked up and the supply sergeant with the key out of reach of the telephone. The most frequent and the most serious difficulty is in the matter of shoes and socks. If shoes are issued, no amount of orders will prevent some of the men from wearing them at unauthorized times and then failing to have them on hand and in good condition when the emergency comes. The best way is to have each pair of shoes carefully fitted and tagged, with a pair of good wool socks stuffed into the toes, and kept in the company supply room ready for immediate issue. The shoes can be worn occasionally for drill, if it is thought necessary to "break them in," but Army shoes need little "breaking in" if they have been properly fitted and are worn with the right kind of socks. Any failure to make adequate provision in the matter of shoes is certain to prove costly in riot service, for the reason that the men have no chance to accustom their feet gradually to the rigors of such a tour of duty.

Digitized by Google

63. The equipment to be actually worn or carried by each man ordered out on the service of military protection depends, of course, on conditions at the time. It should be remembered, however, that troops thus ordered out are likely to have to fight before they can seek quarters or even unsling their packs, and that in the beginning of the tour of duty they stand an excellent chance of being out all night, no matter what the temperature or the weather. In other words, the commanding officer should aim to send his men out with the minimum of heavy equipment, but with overcoats or raincoats if there appears the slightest possibility of their getting cold or wet. Trucks can be used to transport the heavier part of the equipment. Before mobilization fairly gets under way, the commanding officer should issue a written order specifying just what equipment is to be worn or carried, and what is to go with the troops by truck or in baggage cars. Several forms of this order, to meet varying possible conditions may well be prepared in advance, so as to be posted when the first men begin to assemble at the armory. This order should specify what part of the equipment of each unit is to go along with the troops—field desks, field kitchens, tools, ammunition, etc. If an emergency ration is to be issued to the men before leaving the armory, the order should so state, indicating where, when, and to whom the supply sergeants should report to receive this ration. The careful preparation in advance of such orders may save much time and confusion.

Digitized by Google

64. Experience with National Guard troops in State service has shown that constant difficulty arises over the loss or damage of privately owned clothing or equipment on duty. In general enlisted men should wear no clothing other than underclothes and carry no equipment except toilet articles which is not Government property. If, owing to incomplete issues, privately owned clothing or other personal equipment has to be used, a memorandum of such property should be made, with its condition at the beginning of the tour noted thereon. This will both support any proper claims for reimbursement for damage actually caused in line of duty and will prevent claims for damage to property which was actually in a damaged condition before the tour began. It is clearly the duty of the State to see that its troops are properly and fully equipped; the men generally sacrifice quite enough on any tour of duty without being compelled in addition to ruin their shoes or other articles of clothing. Some things of their own, however, such as underclothes and toilet necessities, the men must provide; and here the officers can accomplish much by the exercise of a little foresight. When a sudden call is issued some men will report with bulging suitcases and others with nothing at all. To prevent this discrepancy and to insure that each man will have all that he actually needs, and no more, a list of the essential personal equipment should be made out, and a copy issued to each enlisted man. A rapid inspection will then show whether a man has reported for duty without a toothbrush or with a lot of unnecessary clothing.

183345°—20——5

Digitized by Google

65. Steel helmets form an exceedingly useful part of riot equipment for all troops. They furnish valuable protection against stones and other missiles; they are very much more comfortable than hats in a hard rain, and their moral effect on a disorderly crowd is not inconsiderable. Soldiers wearing steel helmets generally look as though they meant business, and, as has already been pointed out, this matter of appearance is of prime importance in a battle which it is hoped to win by moral force. Any soldier tends to become what he looks, and helmets have an appreciable effect on the morale of the men who wear them. It should be remembered, however, that they also have a physical effect on their necks; troops should have had some experience in wearing steel helmets before being sent out with them for possibly long periods without relief.

66. In addition to the arms and equipment to be issued to the men individually, there is a considerable amount of equipment needed for the service of military protection which each unit should maintain for its collective use. On riot or emergency duty subdivisions of larger units, such as companies or battalions, are very likely to be called upon to act independently or in semidetached positions; they should, therefore, aim to make themselves absolutely self-sustaining in the field as to both equipment and personnel. Every company is likely to have a dozen or more rough-and-ready experts, such as cooks, telegraph operators and linemen, automobile mechanics, bakers, machinists, and so on. It is the business of the company commander to know all about these men, and to have in reserve

Digitized by Google

the tools and supplies they will need in order to do their work. Above all, he should be fully prepared to take care of his men, at any time and under almost any conceivable conditions, in the matter of mess. The problem of messing troops during the first two or three days of a tour of riot duty is one of the most complex, as it is unquestionably one of the most important, connected with the whole subject. In a prolonged tour a system more or less closely in accord with Army regulations and practice is sure to work itself out after the first few days, and normally the civilian authorities can be counted on to cooperate in this respect most helpfully; it is the first few meals that test the unit commander's real ability. If he waits for the order for active service before making his detailed preparations his men are likely to go hungry. Local conditions vary so widely that it is not possible to lay down any general rules as to how this preparation should be made; it may vary all the way from box lunches or meals arranged for at restaurants—both bad methods, but sometimes the only possible ones—to rations well cooked in company or regimental kitchens. The point to remember is that the company commander is always responsible for seeing that his men are fed; he can not shift the blame to anyone else if they have to go without their rations. If he is wise, therefore, he will keep always on hand an itemized list of groceries and supplies required to give his men a couple of days' emergency rations, and will know exactly where he can secure these supplies at any time, day or night.

67. As regards miscellaneous equipment, the conditions of riot duty do not make demands materially different from those of an

Digitized by Google

encampment or any other ordinary tour of duty. The thing to remember is that whatever equipment is wanted must be at all times ready for instant use; there is likely to be little opportunity to assemble it once the order to take the field has been issued. It is, of course, absolutely essential that the medical supplies and first-aid packets should be always available. If not enough cots or bed sacks are on hand, the commanding officer should know just where he can put his hand on plenty of additional ones. National Guard units are prone to enter on a tour of duty with an inadequate supply of administrative forms. Each company field desk should be fully stocked and ready to move with the troops. Among the most necessary forms the following may be enumerated: Morning report, sick report, guard report, duty roster, ration return, individual clothing slip. order blank, message blank, pay roll, charge sheet, requisition for clothing, requisition (property), memorandum receipt, State transportation order. The field desk should also contain plenty of blank paper and carbon paper, and should be accompanied by a portable typewriter. If the company commander has been wise in his selection of a company clerk, this phase of riot duty will cause him little worry.

68. In regimental units the adequate preparation of the Headquarters Company for the service of military protection involves careful planning and much hard work. Among the most important functions of this unit on riot duty are the maintenance of communications and emergency repair work. A mob's first act is almost always the destruction of property es-

Digitized by Google

sential to the community, and, as a rule, also to the military. It is fond of cutting telegraph and telephone wires, wrecking power stations, tearing up or obstructing railroad and street car tracks, cutting off the water or gas supply, and a dozen other things of like nature. The men of the Headquarters Company must be trained and equipped to repair such damage whenever it affects the safety or welfare of the troops. Above all, they must be prepared to keep telephone and telegraph communication open, and to facilitate the transportation of troops by repairing trucks and motor cars that may be damaged. They must be prepared to establish a fully equipped headquarters, with telephone and possibly telegraph communication, wherever the commanding officer may direct, whether in a tent or a building. The necessary material equipment for such work must be always available; and every man of the headquarters detail, including liaison, intelligence, telephone, and clerical detachments, must be thoroughly familiar with his work and able to go about it without hesitation or asking needless questions.

69. The enormous importance in riot duty of the kindred services of intelligence anl liaison has been quite generally overlooked. Neither of them can be extemporized at a moment's notice; both demand careful preparation and building up. The conditions of riot service make it peculiarly hard for a commanding officer to get accurate information; he gets, indeed, far more news than he wants, but most of it is utterly unreliable, and based largely on hysteria or prejudice. In the same way the character of riot tactics makes it very difficult for unit com-

Digitized by Google

manders to keep in close touch with their subordinates, with each other, or with their superiors. Much of the actual fighting is done at night, and in a city where disorder has made alarming progress there may be three or four battles in progress at the same time. One has only to read the detailed account of the famous draft riots in New York City in 1863, as told by J. T. Headley in his "Sketches of the Great Riots," to realize how acute the problem of securing accurate intelligence and maintaining adequate liaison can become.

70. In order to handle the intelligence service successfully, it is necessary for each commanding officer to build up a detachment, under a thoroughly competent officer, specially trained for this work. Their training will serve a double purpose: it will not only fit them for service in time of action, but it will keep the commanding officer constantly informed as to what is going on throughout the field in which he is reasonably likely to serve. A commanding officer who does not know with considerable accuracy what is happening at all times in his district is sure, sooner or later, to commit the unpardonable blunder of being caught by surprise. He should at all times keep himself informed as to local conditions, particularly as regards unemployment, food and fuel shortage, labor unrest, the presence in the community of undesirable agitators and suspects, and activities below the surface inimical to the Government. The men detailed for intelligence service should keep in close touch with the civil authorities—State, county, and municipal—and with the representatives of the Federal Depart-

Digitized by Google

ment of Justice. The commanding officer must always remember that a proclamation of martial law may require him to exercise the functions of many of these local officials, in which case he will need every scrap of authentic information he can get hold of.

71. In this connection every commanding officer should provide himself with good maps of such localities as are likely scenes of activity for his command and should see that his subordinates are familiar with them. State forces, for example, should have large maps of their entire State and detail maps of the larger cities and of districts embracing mines and other possible danger spots. Troops stationed in or near large cities will do well to have city maps with important points marked in clear relief. Among these points may be mentioned armories, arsenals, railroad stations, freight yards, car barns, public buildings, police stations, fire houses, large warehouses, gasometers, reservoirs, bridges, power houses, and points where explosives are stored. Furthermore, all officers should have cloth-mounted city maps of uniform scale, marked in squares, so that locations can be accurately designated by coordinates. It is far easier and safer to direct an officer to report at BF–9 than to tell him to go to the corner of Twentieth Street and Seventh Avenue. The preparation in advance of adequate maps will greatly facilitate the work of securing and transmitting intelligence during a tour of riot duty.

72. If the intelligence service is adequately maintained during periods of quiet, it will readily adjust itself to the conditions

Digitized by Google

which arise when the troops are ordered out. The officer in charge will devote himself exclusively to collecting, verifying, and reporting information. His detachment, with some of the men working in civilian clothes, will be familiar with the channels through which trustworthy information may be obtained. All patrols will be instructed to report information to him. He will be well enough informed and sufficiently experienced to be able to sift the reports that come in, estimating their probable truth and importance. He ought to be always in a position to answer promptly and accurately any reasonable question the commanding officer may ask him with regard to local conditions, the general disposition of the riotous or disorderly elements, and the location and activities of all troops, police, and allied forces. The main function of the officer in charge of intelligence service during a period of active riot duty is to know each question his chief is going to ask half an hour before it has even formulated itself in the commanding officer's mind, so as to be ready with the right answer the moment the question actually comes.

73. Conditions vary so widely that it is not advisable to formulate rules for the organization and training of the intelligence section of any command in its special relation to military protection. A few general principles, however, should be insisted on. The intelligence service must be organized and in operation before trouble begins if it is to function properly when it is most needed. It must be under the direction of an officer with genuine enthusiasm for this kind of work. It must have

Digitized by Google

an enlisted personnel specially detailed to it, made up of intelligent and level-headed men; the number may be small, but the quality must be high. It must have facilities for keeping in touch with the civil authorities, particularly with the police and with the Federal agents of the Department of Justice, with the newspapers, and with any other agencies from which useful information is likely to be forthcoming. It must be trained alike to avoid overcredulity and to let no information of real importance escape its attention; the intelligence officer who believes every wildcat rumor is only one degree more useful than the one who fails to discover a riot brewing under his very nose. Above all, the special intelligence detail must at all times have back of it the support and cooperation of the whole body of troops. Every officer and enlisted man must understand the urgent necessity for reporting information promptly and accurately and must be instructed in the preparation of field messages. Only when the entire command has fully learned to cooperate with the intelligence officer and his detail can the work be properly done.

74. When troops are ordered to a locality with which they are unfamiliar, an efficient intelligence service is more completely indispensable than at any other time. Only a few hours may be available in which to secure the necessary information. Some facts the commanding officer, through direct communication either with the local authorities or with the officials through whom the order to move has been received is sure to ascertain for himself; but the intelligence officer

Digitized by Google

should remove from his chief's shoulders the burden of securing detailed information. He should, first of all, get hold of the necessary maps; if he can not possibly secure them before the troops entrain, he should arrange to have them delivered to him immediately on arrival. He should find out where troops can be quartered and where they can get food. He should know something of the history of the disturbances which have led to the call for military aid. If the command has any considerable distance to go by train, he should arrange to have telegrams sent to him at stations along the route, summarizing the latest developments. If he can, he should find out something about the personal characteristics of the local officials with whom the troops will have to cooperate. In State forces a capable intelligence officer should manage to have a good deal of this information already in his files; and if, when an unexpected order to proceed at once to Blankville arrives, the intelligence officer promptly takes from his files a map of Blankville and a memorandum of useful information regarding conditions there his chief will have good reason to be duly thankful.

75. As in war, so in military protection, it is safe to assume that the enemy is fully aware of the value of securing information and has taken measures with that end in view. Potential and perhaps actual spies exist in almost every military force, and particularly in National Guard units. Those elements which are always looking for opportunities to disturb the peace generaly have a few of their men enlisted in the State forces for the purpose of transmitting news from the inside as to what is going on. Occasionally such men can be caught, but it is never

Digitized by Google

safe to assume that they have all been eliminated. There is only one safeguard—never to permit any information that betrays weakness to get beyond the officers. As a rule, if the troops are ready for prompt and effective action, a spy or two in their midst is an actual ally; reports of their strength will discourage and often prevent violent action. All written orders and all verbal orders, so far as possible, should be framed with the realization that their essential contents are likely soon to reach the enemy, and provision should be made accordingly. If the commanding officer is sure he can rely on his officers and noncommissioned officers, and uses reasonable judgment in so framing his published orders as to conceal any weakness of which he may himself be aware, he has little to fear from spies among the enlisted men. As for ordinary spies working from the outside, an adequate guard system is likely to discount their activities to a minimum of effectiveness.

76. The service of liaison in military protection is closely allied to that of information. Its main difficulty arises from the fact that so much of the work must be done at night, with units often scattered over a considerable territory. Runners, some of them in civilian clothes, with badges unmistakably identifying them, and some of them with motor cycles, supply the best means for keeping units in touch with one another and with their superior officers. The average private is not capable of delivering a message accurately unless he has had special training, and it is worth while to devote a good deal of time and trouble to teaching the runners this phase of their work.

Digitized by Google

V. MOBILIZATION—TRANSPORTATION.

77. For the Army the problem of mobilization in connection with the service of military protection practically does not exist; the units are at all times assembled to a sufficient degree to be able to take the field at almost any moment. For State forces, on the other hand, mobilization is one of the most important and the most difficult questions for consideration. Crowds develop into mobs so rapidly, and so much valuable time is frequently wasted through official hesitation, that the difference of an hour or so in rapidity of mobilization may involve a difference in results to be measured in hundreds of thousands of dollars, and perhaps in scores of lives. No *one* feature of riot duty, as it affects State troops, is more vitally important than a thoroughly effective system of mobilization. Without it even the best-trained troops are likely to be unable to prevent serious mischief; with it a force in other respects by no means ideally fitted for the task can, by the mere promptness of its appearance, frequently handle with ease a situation of alarming character and extent.

78. The rapid mobilization of any military force not actually living in barracks or camp involves two main duties: the transmission of the necessary orders and the transportation of the men to the point of assembly. These two tasks, while occasionally proceeding together, are normally separate. It is common for one or the other of them, generally the second, to be more or less completely overlooked; many National Guard units which

Digitized by Google

have evolved adequate systems of notification leave the transportation of the men largely to chance. If the danger of a breakdown is to be avoided, both phases of mobilization must have careful attention. Both are absolutely dependent on thorough preparation, and particularly on the constant attention of officers and noncommissioned officers to the correctness of the roster and the completeness of the information therein contained. The personnel of State military units inevitably is subject to many changes: men are discharged and new men enlist; men are absent on furlough or sick; business or home addresses are altered, or telephone numbers are changed. Unless the record of these things is always kept up to date and accurate, there is going to be trouble when the order to mobilize is issued. The usual routine of weekly drills, with records of all furloughs, and with morning reports and sick reports properly posted, becomes of special importance in this connection. A company commander and his first sergeant should at all times know exactly what men are available, where they work and where they live, what men are sick or out of town, and, in the case of automobile owners, whose cars are laid up for repairs or otherwise out of commission.

79. The quickest and most effective system of transmitting the order for mobilization is by the telephone. In using it certain principles must be kept in mind. No man, and particularly no officer, must be called on to telephone to more than a few men; the object should be to distribute the work so that as many men as possible are set to work telephoning with the minimum of delay. There must be no break in the chain of

Digitized by Google

communication; if any man can not be reached, and the normal schedule calls for him to transmit the order further along, his alternates in that capacity must be clearly indicated. Groups must be concentrated so far as possible by telephone exchanges; a man can work twice as fast if he and all the men he has to reach go through only a single exchange station. It must be clearly recognized that notification at night is a very different matter from notification during business hours; the latter is less frequently needed, and is on the whole very much easier. So far as may be practicable, the men should be grouped with both day and night notification in mind.

80. The most effective basis for the notification and mobilization system is a printed or mimeographed roster for each company, the company being the normal basic unit for mobilization. A copy of this roster should be in the hands of every officer and enlisted man of the company. Corrections may be made by periodical bulletins, or in company orders, and the noncommissioned officers should be made responsible for seeing that these corections are duly made on the copies of the roster. The information given should be simply the following:

No.	Name.	Rank.	Address (home and business).	Telephone (home and business).
1	Smith, John A...	Captain.....	97 Hillside Avenue..... 162 Main Street.....	West 3896. Main 4526.
2	Brown, Robert...	First lieutenant.	88 Green Street..... 746 Upham Building..	South 8423. Center 695.

Digitized by Google

The preparation and distribution of such a roster does away with the necessity of having a few men do all the work of notification, with its attendant inevitable delays, and makes each officer and enlisted man capable of acting in any capacity so far as the transmission of orders is concerned. It involves some care and effort in making corrections, but this is more than compensated for by the increased spirit of unity and team play which it creates. It shows each man just where he fits into the machinery, and tells him who his comrades are. Of course, such information is likely also to find its way into the hands of some for whom it was never intended; but this is not as a rule a very serious drawback. Those actively hostile to the military are pretty sure to know the main facts anyway, and the roster gives no information which can be effectively used to hamper the action of the troops.

81. The roster should be supplemented by a carefully worked out chart of notification groups, the order spreading out fan-wise from the company commander through the lieutenants and sergeants. This chart should not be extensively copied for distribution, the officers, first sergeant, and company clerk alone having copies of it; but each man should have a card indicating his exact location in the system. Thus, in the specimen company notification chart given herewith, the card issued to Private 1st Class No. 29 would contain simply the following information:

2—5—*29*—39, 55, 56.

Digitized by Google

This means that Private 1st Class No. 29 will receive the order to mobilize from Sergeant No. 5, or, if Sergeant No. 5 can not be reached, from the 1st Lieutenant (No. 2). He will transmit the order to Private 1st Class No. 39 and to Privates Nos. 55 and 56. If he himself can not be reached, Sergeant No. 5 will call up Private 1st Class No. 39.

The following chart is given merely as a general guide for an infantry company of 3 officers and 100 enlisted men:

- 1 Capt...
  - 2 1st Lt...
    - 5 Sgt...
      - 14 Corp. —38 Pvt. 1 Cl., 48, 49, 50.
      - 15 Corp. —51, 52, 53, 54.
      - 29 Pvt. 1 Cl—39 Pvt. 1. Cl., 55, 56.
    - 6 Sgt...
      - 16 Corp. —57, 58, 59, 60.
      - 30 Pvt. 1 Cl—40 Pvt. 1 Cl., 61, 62, 63.
      - 31 Pvt. 1 Cl—41 Pvt. 1 Cl., 64, 65.
    - 7 Sgt...
      - 17 Corp. —66, 67, 68, 69.
      - 18 Corp. —70, 71, 72, 73.
      - 32 Pvt. 1 Cl—42 Pvt. 1 Cl., 74, 75.
  - 3 2d Lt...
    - 8 Sgt...
      - 19 Corp. —43 Pvt. 1 Cl., 76, 77, 78.
      - 20 Corp —79, 80, 81,82.
      - 33 Pvt. 1 Cl—44 Pvt. 1 Cl., 83, 84.
    - 9 Sgt....
      - 21 Corp. —85, 86, 87, 88.
      - 34 Pvt. 1 Cl—45 Pvt. 1 Cl., 89, 90, 91.
      - 35 Pvt. 1 Cl—46 Pvt. 1 Cl., 92, 93.
    - 10 Sgt...
      - 22 Corp. —94, 95, 96, 97.
      - 23 Corp. —98, 99, 100, 101.
      - 36 Pvt. 1 Cl—47 Pvt. 1 Cl., 102, 103.
  - 4 1st Sgt..
    - 11 Sgt.—24 Mech. (Supply).
    - 12 Sgt.—25 Cook, 26 Cook, 37 Pvt. 1 Cl. (Mess).
    - 13 Corp.—27 Mus., 28 Mus. (Clerk).

Digitized by Google

As the men's numbers will normally be those of the muster roll, and as they will be grouped on the notification chart according to telephone exchanges, or in any other way which conditions may suggest, it follows that there will be no continuity in the numbers within each group. Thus the first group indicated, instead of being made up of Nos. 14, 38, 48, 49, and 50, might equally well consist of 33, 46, 71, 89, and 102. It is, however, of course desirable to have the noncommissioned officers serve as channels for the transmission of orders. The first sergeant's group should, as a rule, be kept small, so that its members will not be delayed by much telephoning. The supply sergeant, in particular, should be able to report almost instantly after receiving his order. Allowing 2 minutes per telephone call, it is mathematically possible by this system to reach every man in a company of 100 enlisted men in a trifle less than 25 minutes; in actual practice each man in such a company can be called up—not all of them, of course, will be reached on the first call—in about 40 minutes.

82. It must be borne in mind that some States still have statutes requiring *written* notice of the order to mobilize. In theory, such an order must have personal service like a court summons. In practice, no State would ever conceivably insist on so dangerously clumsy a method of calling out its military forces, except in cases where there was no need for rapidity of action. It has generally been held that laws calling for written notice of a mobilization order mean simply that no man can be punished in such States for failure to obey the

Digitized by Google

assembly order unless he receives it in writing. In other words, the existence of such a law does not make telephone notification illegal; it simply prevents the commanding officer from authorizing disciplinary action against any man who, lacking a written notice, fails to respond. Where State laws provide for written notice of a mobilization order, and the urgency is such as to render any delay dangerous, the telephone system should be used; but each man immediately on reaching the armory or other place of assembly should be required to sign a copy of the mobilization order—one copy for each company will normally be sufficient—and written orders should promptly be dispatched to all men failing to report. Of course, if there is plenty of time, the written notice can be duly distributed in advance.

83. While the telephone system is by all odds the best one for getting State troops together quickly, it must never be the sole method available. The telephone service may be temporarily out of commission, as the result either of accident or of malicious design. For example, a fire, earthquake, cyclone, or flood would be almost certain to impair or even destroy the telephone lines within a greater or smaller area. Every State unit must, therefore, work out at least one alternative system. A dozen men with automobiles can, if properly routed, deliver a message at a hundred houses in a remarkably short time; it all depends on how carefully the routes have been laid out in advance. In some cities there is a special fire signal known as "Militia Call"; in others, arrangements have been made to

Digitized by Google

have "Assembly" played on certain chimes. Just what method will be used depends almost entirely on local conditions; the point of invariable application is that it must be fully provided for ahead of time.

84. The individual soldiers having been ordered to report at once, it remains to transport them quickly and safely to the point of mobilization. Commonly, they are left to transport themselves by street car, or as best they can, which is an exceedingly bad arrangement. If the street car service breaks down, the mobilization is held up indefinitely; if the order comes late at night, cars are likely to be few and far between. Moreover, men approaching the point of mobilization singly and on foot run a not inconsiderable risk, as was vividly shown by the adventures of the Sixth Maryland in Baltimore during the railroad riots of 1877. The best way to get the men together, for certainty, speed, and safety, is by the use of motor cars or motor trucks, preferably the latter. Here, again, the exact system to be adopted depends largely on local conditions; the important thing is to have it carefully worked out in advance. If enough of the men own motor cars, car groups can be formed, each driver picking up the men assigned to his car. A still better system is to have a number of subsidiary mobilization points, say at garages, where arrangements have been made to secure trucks at any time. The men meet at these points and are brought thence to the armory in large groups by truck. Still another system can be evolved through the use of a motor reserve made up of car owners or truck owners who, while

Digitized by Google

not enlisted in the State forces, are willing to obligate themselves to transport troops at any time when requested to do so by the commanding officer. If the unit is fortunate enough to have trucks always at its disposal, it can send them out, under guard, to such subsidiary mobilization points as may be selected. Whatever system is adopted, its details should not be included in printed orders, and each enlisted man should be told only so much as he individually needs to know. The reasons for this precaution are obvious.

85. The only way in which a transportation scheme can be worked out with thoroughness is by locating the residences of all the men of the unit with pushpins on a big map, and then working out the system in accordance with the geographical groups thus formed. If subsidiary mobilization points are to be used, they can be located centrally with relation to each considerable group of residences thus marked. The routing of pick-up automobiles can best be determined in the same way. In large units there is an obvious waste of time in arranging the transportation scheme only by companies; for example, if two men live in a remote part of the city, and one belongs to Company B while the other belongs to Company D, it is manifestly a mistake to send two automobiles after them. Arrangments should, therefore, be made covering the transportation of all the men of a battalion, and even of a regiment, to the point of assembly with the minimum of waste effort and duplicate routing.

Digitized by Google

86. An important part of the machinery of mobilization is the proper organization of work at the armory, or wherever the troops are directed to assemble. First of all, the place must be put under adequate guard. Some National Guard units maintain a permanent military guard at their armories, and this, whenever it can be done, of course, provides the best protection. Even so, however, and always when no military guard is maintained, it is well to ask the local authorities for a police guard for the armory until a sufficiently strong military guard can be mounted. There is always a chance of trouble in the beginning round the armory, and a slight initial success for the crowd might lead to serious consequences. A strong guard should be established with the first men who report, and no unauthorized person should be permitted to approach or linger near the building. Provision should be made for accommodating the motor cars or trucks as they arrive; it is exceedingly important that any armory should have, either within it or closely adjacent, facilities for sheltering cars and trucks under guard. A near-by garage will often meet the requirements in this respect. The line of outguards should, of course, include the place where the cars are to be housed. It need hardly be added that the armory, and any other place where military stores and equipment or motor transportation for the troops are kept, should remain under strong guard at all times throughout the tour of duty. As the soldiers arrive, every effort should be made to avoid confusion and, above all, nerv-

Digitized by Google

ousness. Many of them will be a good deal excited, largely from uncertainty as to what is going to happen. So far as possible, their nerves should be steadied by the familiar routine of assembly; they should do exactly what they are accustomed to doing, get their equipment and fall in in the usual way; they should hear only the familiar commands; and, above all else, they should gain steadiness from the coolness and quiet confidence of their officers. Any officer who harangues his men about the duty they are preparing to undertake, who betrays excitement, who appears rattled, or who nags at his men to hurry proves himself undeserving of his commission. His business is to steady his men, and coolness at this time, while assembly is in process, is in some ways more important even than it is in the actual face of the enemy.

87. Much can be done toward overcoming the inevitable initial nervousness and incidentally toward keeping the mobilization system in smooth running order, by occasionally mobilizing units unexpectedly as a part of the routine of drill. Officers must be careful not to try this too often; there is danger of a parallel to the story of the boy who cried "Wolf!" Once in a while, however, an order sent out without warning will teach the men much. They should not be told that the assembly is simply an exercise until they have taken their full equipment, formed, been inspected, received their issue of ammunition, and are ready to march out. The exercise may be varied by having a competition among the several units of a battalion or regimental command, with a prize for the unit having the largest

Digitized by Google

number of men ready to move at a specified time. The purpose of such an exercise is analogous to that of fire drill: it aims less to teach the men to go through certain prescribed movements than to prevent excitement and confusion when the emergency actually exists. It is particularly useful in training the noncommissioned officers and in showing how thoroughly they are doing their work in connection with mobilization. After all, success depends mainly on their efforts. The officers will prepare the plan of notification and mobilization, and will issue the initial orders, but the smooth running of the system depends on every man's knowing his exact place and function, and these the noncommissioned officers alone can teach him.

88. Much of what has been said about the transportation of troops to the point of assembly applies equally to their movement from the armory to the scene of action. Extreme mobility is at all times absolutely essential, for the reason that no one can safely predict when and where troops may next be needed. Within ordinary city limits motor trucks afford by all odds the best machinery for transporting troops. They are quite sufficiently rapid; they are large enough to accommodate a real fighting unit; if capably handled they are not particularly liable to accident; and, above all, they are not limited in their operations by fixed tracks. Street cars, by contrast, are unreliable and dangerous; a broken wagon or two can block a track for half an hour, while a few cut cables and wires can tie up a system indefinitely. Moreover, a crowd expecting the arrival of troops can be counted on to watch the railway and street

Digitized by Google

car tracks, whereas the use of trucks gives every opportunity for surprise. As for automobiles, they are invaluable for certain special purposes, such as the transportation of patrols, field and staff officers, and for the movement of small bodies of men at high speed; but their use splits up commands too seriously to be satisfactory when forces of any considerable size must be moved. Even so, they are better than street cars as a rule, and often they are all that can be readily obtained; but every commanding officer should do his utmost to make preparations whereby he can put his hand on enough trucks or motor busses to transport all his men at once. It was with trucks and busses that Gen. Gallieni brought his army from Paris to win the first and, as it proved, the decisive victory in the Battle of the Marne.

89. In preparing for motor-truck transportation, it must be remembered that trucks are often easier to secure than competent drivers. As a rule, civilian drivers can not be counted on; the troops must be prepared to provide competent drivers of their own. Here again, as in so much else relating to the service of military protection, everything depends on adequate preparation beforehand. If the available trucks or busses can be carefully listed, and each one assigned to the unit which will use it, then that unit can pick out its own driver, and he, in turn, can familiarize himself with the vehicle he is to drive. All this will prevent confusion when the time comes, and confusion, particularly in the opening hours of a tour of duty, is the worst possible enemy of efficiency.

Digitized by Google

90. Frequently, of course, troops have to travel considerable distances from their stations and must do so by train. A certain amount of advance preparation will often greatly facilitate the work of entraining and transporting troops by rail. For example, troops should always travel, if possible, on special trains; it is unfair to expose civilian travelers to the risks of derailment, attack, and, at the least, delay which always attend the movement of troops in time of disorder, and, besides, troops can be handled very much better on trains solely under military control. It follows that every commanding officer should know exactly the men he must get hold of in the local railroad offices in order to secure special trains; he should have discussed the matter in detail with them ahead of time, and, if necessary, have secured and shown them a blanket written order from the proper authority authorizing him to order out such trains under certain circumstances. He may hope, but he must not assume, that the authorities will themselves provide trains for him. When calling for a train or for special troop cars to be attached to a regular train he must know exactly how many cars he wants and where he wants them located for entrainment. The number of soldiers to be assigned to a car depends primarily on the length of the journey. For a short trip, say, of two or three hours, crowding is not disastrous, though it is always undesirable; for a journey of any length it is absolutely essential to give each man a comfortable amount of room. For an overnight trip sleeping cars are, of course, desirable, but they are generally not obtain-

Digitized by Google

able in sufficient numbers, and if a large command is to be moved the use of sleeping cars makes the troop trains unduly long and heavy. Whenever men are to sleep during the journey the assignment to cars should be on the basis of not more than one man to a seat; it must be remembered that a soldier's equipment takes up a lot of room.

91. Before a command entrains the entire train should be thoroughly inspected; and if there is any reason to fear that the locomotive or the cars have been tampered with, the inspecting officer should be accompanied by a thoroughly competent railroad man. He should make sure that the cars are reasonably clean, that the toilets are in good condition, that the lights are working, and that the cars have been freshly watered and iced. Each car should be clearly and conspicuously marked with the designation of the unit which is to use it, and the number of men assigned to it. A couple of runners to guide unit commanders to their proper cars will often save much time and confusion. The men should be carefully counted as they entrain, and as soon as a car has its allotted quota, sentries should be posted at the doors to prevent anyone from entering or leaving without proper authority. After the train has started there should be a second check up of the men, to make sure that no unauthorized persons are aboard. The train discipline should be simple, but strictly enforced. The men should be required to keep the cars clean, and, above all, well ventilated; even in cold weather it will do them no harm to ride in their overcoats with the windows open, whereas a long journey in close, foul

Digitized by Google

air will leave many of them in bad shape for their work. No one should be permitted to leave his car without permission. If the officers have seen to it that plenty of newspapers and magazines are available, the journey will pass far more quickly and the men will be greatly aided in fighting off incipient nervousness.

92. The frequent suddenness with which troops are ordered to entrain for emergency duty is in danger of interfering with suitable arrangements for messing the men while on the journey. It is not always possible to have even an emergency ration ready prepared; and cold, condensed food, while unquestionably a man can live on it if he has to, is a poor substitute for real meals for a man who is, perhaps, going into imminent danger for the first time in his life. With a little time to spare, it is generally possible to make arrangements whereby troops can be adequately messed while on the train; and even when the time is very short this matter should receive the careful attention of the responsible officers. If a dining car can be attached to the troop train, the kitchen facilities thus provided will serve admirably for heating coffee and soup. It is often possible, by telegraphing or telephoning ahead, to have supplies of ready-cooked and hot food meet the train at stopping places along the route. Another and a highly satisfactory method of meeting the demand for hot food, and particularly for hot coffee, is by using large thermos containers, such as the 20-gallon insulated cans used for milk. These will often suffice entirely for a journey of not more than 12 hours; and even for

Digitized by Google

longer ones they are of great utility, as they can be refilled at advantageous points. The wise unit commander, knowing that if his men go hungry the responsibility is his and his only, will have such containers or other means for messing his men while in transit always available for immediate use.

93. It is essential to remember that while the military control of a troop train is completely in the hands of the commanding officer, its operation is normally in those of the railroad company. There is often a serious temptation to interfere in this respect: to insist on speed without regard to schedules, and in various ways to expect the train crew to do things which, as experienced railroad men, they know are wrong. Most officers understand but vaguely the complexities of a great railroad system, and if, through ignorance, they compel the dislocation of schedules, they are exposing both their own men and travelers on other trains to the risk of collision or wreck. If the good will of the railroad men can reasonably be counted on it is far better to leave the actual operation of troop trains wholly to their knowledge and judgment. If, on the other hand, conditions are such that the train crews may not be wholly reliable, through either interest or fear, it is essential to have the operation of the troop trains under the immediate direction of a man who knows his business. Most commands, and particularly National Guard commands, include at least one professional railroad man, competent to direct the running of trains in accordance with railway regulations. Here again it is well to pick out such a man ahead of time, so that he may familiarize

Digitized by Google

himself with the conditions under which in an emergency he might suddenly be called upon to work. If such an officer is available and is detailed by the commander of the troops to assume general charge of preparations for rail transportation, his work in periods of quiet may prove of the utmost value when the time for prompt action has arrived.

Digitized by Google

VI. TACTICS.

94. The general principles governing the tactical use of troops in the service of military protection, or in what is more specifically termed "riot duty," have already been outlined in connection with the training essential for such duty. Briefly summarized they are as follows:

While tactical principles have been found to remain essentially unchanged, the precise method of their application in any kind of warfare depends on existing conditions, such as the terrain, the nature and strength of the enemy, the mission of the troops, and the limitations placed upon their freedom of action by laws, customs, and opinion.

The tactical methods approved for troops in ordinary warfare are not applicable without alteration to riot conditions, because (*a*) the usual terrain is city streets instead of open country; (*b*) the enemy is unorganized, often in large part unarmed, and more or less indistinguishable from noncombatants; (*c*) the mission of the troops is preventive and to maintain order, not to defeat the enemy in battle; (*d*) law, custom, and public opinion absolutely demand that the work must be done with the minimum of bloodshed.

The whole basis of modern tactics, as modified by the World War, is fire superiority obtained by intensive artillery prepara-

Digitized by Google

tion, the infantry forces on both sides being in more or less intrenched positions, followed by an advance facilitated by the artillery barrage and by rifle and machine-gun fire, and a final attack at close quarters with bayonet and grenade. Nothing of this, in view of the differences just stated, is directly applicable to riot conditions.

With fire tactics thus necessarily eliminated, except under certain extraordinary conditions, the fundamental problem is to evolve an attack which will have plenty of power and at the same time conform to the inevitable conditions. Such an attack can be found only in some variety of shock action.

The attack is the basis of all successful tactics, in riot duty as elsewhere. Defensive action can never of itself produce victory. Even if troops are engaged in the apparently defensive work of guarding property they must be prepared to attack a threatening crowd and not merely wait to resist aggression.

Disorderly crowds, in which instinctive fear of the law still prevails, must be distinguished from mobs, in which such fear has disappeared; and since every mob starts as a crowd, and most disturbances do not ever get beyond the crowd stage, tactical success depends in most cases largely on the evolution of an attack which, while conforming to the requirement for such duty, will effectually disperse disorderly crowds, of whatever size, and deprive them of any opportunity to develop into mobs.

Digitized by Google

95. It follows from the foregoing summary of tactical principles that the attack in riot duty must of necessity be generally a hand-to-hand affair. Against this it has been frequently argued that troops should not be allowed to come in close contact with rioters if it can possibly be avoided on the ground that, at close quarters, they are in danger of losing the advantages of their discipline and superior mobility, and of being overwhelmed by numbers. The danger is unquestionable, but, with fire tactics virtually eliminated, holding them at a distance from the enemy is like telling a fire department to put out a conflagration but on no account to venture near the fire. Troops must either shoot or fight hand to hand; practical experience has demonstrated that the latter is what always actually happens. The chief object of training for riot duty is to teach the men to fight at close quarters without loss of discipline. Their shock attack must be that of a disciplined unit, and it should be hard and powerful enough to make further fighting nine times out of ten unnecessary. It is only when troops allow themselves to be thrown on the defensive that hand-to-hand fighting becomes a menace to discipline.

96. The first requisite for success in riot tactics is prompt action. More lives have been lost in riots because of delay and hesitation than from all other causes put together. Delay in bringing the troops on the scene gives the crowd a chance to become a mob; hesitation in employing them vigorously as soon as they appear destroys their best weapon: their moral influence on the crowd. Winthrop, in his "Military Law

Digitized by Google

and Precedent," has put the case clearly from the legal standpoint: "It is better to anticipate more dangerous results by energetic intervention at the inception of a threatened breach of the peace than by delay to permit the tumult to acquire such strength as to demand for its suppresssion those urgent measures which should be reserved for great extremities." If the troops can be brought into action before the crowd has had any chance to develop its potentialities for violence and can either prevent it from forming at all or can quickly disperse it before it has done any mischief, the battle is won almost before it starts; if the crowd has already reached the menacing stage before the troops get to it, but if promptly and vigorously attacked the chances are that this immediate display of the offensive spirit in the troops will teach all disturbers of the peace a lesson they will not soon forget.

97. Anticipating disorder at the beginning of any disturbance is, of course, more the affair of the civil than of the military authorities. If the troops are not ordered out in time, they naturally can not forestall trouble. Often, however, the advice of officers is sought on this subject; and in any prolonged tour of duty occasions are bound to arise in which the commanding officer has it in his power to prevent trouble from starting by simply getting his troops on the scene of action promptly enough. The essentially preventive mission of troops in the service of military protection, already insisted on, makes "getting there first" a cardinal principle of riot tactics. With an efficient intelligence service, a commanding officer can estimate

Digitized by Google

with considerable accuracy the proper times and places for forestalling violence and preventing the formation of disorderly crowds. For example, a mass meeting of malcontents, Industrial Workers of the World, "direct-action" radicals, hotheaded strikers, or any other group of potential trouble makers may, at any time, prove the first step in the formation of a mob. The mere fact that such a meeting is being held should, in any period of local unrest, be a warning that trouble may follow. It is not always expedient or practicable for the civil authorities to prohibit such meetings, but if conditions have been such as to warrant the calling out of troops all meetings like these should be closely watched, particularly with a view to forestalling trouble when they break up and the people attending them come out on the street. Then the sight of a few squads of soldiers, though it will doubtless lead to jeers and abuse, will send the timid and half-hearted members scurrying to their homes, leaving the bolder spirits without support, and consequently impotent to start trouble. The indoor meeting is the chief originator of the outdoor disorderly crowd, which is in turn the parent of the mob; and since the fact that such a meeting is to be held is generally made public in advance, the commander of the troops has an opportunity to be beforehand with the crowd—an opportunity the neglect of which may cost dear. In like manner it is a safe guess that in a strike or industrial disturbance crowds will form, if not prevented, at or near the localities chiefly affected, and particularly at certain times, when the nonstriking workers are entering or leaving.

Digitized by Google

Crowds form naturally in all cities at points where traffic is congested, especially in the "rush hours." By carefully studying the local situation, the commanding officer can generally tell where and when he can forestall possible disorder by the prompt use of troops.

98. If a disorderly crowd has actually formed, the principle of prompt action still remains in force. It must always be remembered that the transition from a relatively harmless crowd to a murderous mob may be accomplished in a very few minutes, and is most likely to be brought about by one or two successful acts of violence. Prompt action in this case is simply an application of the old tactical principle of attacking the enemy when he is at his weakest. Crowds are cowardly and without real unity, made up in large part of mere spectators—willing material for the mob spirit to work on—but in the beginning perfectly harmless. The leaders, the real source of danger, are rarely in the front ranks, as is commonly supposed; they are far more likely to be circulating through and in the rear of the crowd, awaiting their opportunity. Genuine leadership at this stage is conspicuously absent, and it is this fact that gives the disciplined troops, immediately responsive to the will of their commander, their greatest initial advantage. The subtle change whereby all this advantage may be lost may come about almost in an instant. An apparent weakening of the forces holding the crowd in check, even though it may be but momentary, may suffice to bring about the transformation from crowd to mob; a single piece of audacious violence suc-

Digitized by Google

cessfully carried through; two minutes' harangue by a fiery leader; the appearance on the street of a conspicuous and hated figure. It is the business of the military commander, by prompt action, to see that this change does not take place, for the formation of a mob means bloodshed and destruction before the fear of the law is restored to its proper power.

99. If delay in bringing troops to the scene of action is bad, hesitation in using them for the attack the moment they get there is very much worse. Nothing else creates contempt for military force so strongly as a display of hesitation. Presumably the soldiers have been sent out to do something, and if they do not proceed instantly to do it the crowd sizes them up as unwilling or afraid to act. In a recent riot a National Guard company was attacked and eventually disarmed by the rioters simply because, on approaching them in column squads, it executed "Squads left," and halted in line. Had it advanced steadily without halting, its leading squads deploying at double time, the crowd would unquestionably have broken and fled. Delay in the presence of disorder is a confession of weakness on the part of the commanding officer, and is so felt alike by the crowd and by his own men. While he is strengthening the resistance of the enemy, he is lamentably shaking the nerves of his troops, making them lose confidence in his courage and their own strength. The commander must formulate his plan of attack before he comes close to the disorderly crowd, must stick to it, and, above all else, must get down to business without the least delay.

Digitized by Google

100. In thus getting down to business, and remembering that the cardinal principle of tactics is to attack, the commander of the troops must invariably keep before his mind the two words *never bluff*. If delay has been responsible for the largest number of disasters in riot duty, bluff has unquestionably been to blame for the most tragic of them. Herein lies the greatest weakness in the use of ordinary infantry arms and tactics; against a disorderly crowd the rifle in itself is necessarily something of a bluff. The crowd knows perfectly well what the rifle can do, but it seldom or never believes that the order to fire will be given. It thinks the troops are making a mere parade of force, which the commander will not dare to make good in action. It is all very well to argue that under such circumstances a volley should be fired in order to teach the crowd that the troops mean business; but an officer who has to resort to slaughter in order to prevent his bluff from being called has put himself in a terrible position. It is certainly better to fire than to do nothing, and sometimes a prompt volley is, in the long run, the most merciful way out of a bad business; but if the troops are properly prepared to do their work swiftly and without opening fire, victory can generally be won without any loss of life.

101. In many States the laws specifically forbid even the issue of blank cartridges to troops on riot duty. The officer who permits the issue or use of blank cartridges on such service is, constructively at least, guilty of deliberate murder. The impression a discharge of blank ammunition inevitably makes on

Digitized by Google

a crowd is one that can be effaced only by volleys of bullets; it is bluff in its most disastrous form. The same principle applies to firing in the air or into the ground. Once let the crowd believe that you do not dare to fire except to make a noise, and you will have to kill a number of them in sheer self-defense before you are through. It is an absolutely safe rule not to open fire unless it is absolutely necessary and to cease firing the moment the absolute necessity has passed, but in the interim to shoot straight. Despite laws and orders, experience has shown that many officers fail to understand the full significance of this matter; blank-cartridge volleys and shots fired into the air are still heard of every now and then. Anyone who has doubts on the subject should read the story of the Astor Place riots and see what happened when Gen. Hall ordered his men to fire a volley over the heads of the mob. Fifty avoidable casualties, a score of them deaths, were the immediate results of that order.

102. The tendency of officers to threaten a disorderly crowd is another example of patent bluff. A crowd may properly be ordered to disperse, although as a rule the appearance of the troops renders the order quite unnecessary, and it is far better to avoid all appearance of delivering a harangue; but it is manifestly absurd to tell them what is going to happen to them if they disobey. An officer should not show that he admits even the possibility of disobedience. Generally, too, the threat is of something which will be carried out only in part if at all. To quote one authority, "Never threaten to do

Digitized by Google

things that you do not intend to do, or that you can not do, or that you know would be illegal if you did do them." To put it more simply, do not threaten at all; act. Remember that the crowd, unless it has reached the violent mob stage, finds its greatest strength in its fancied immunity from extreme measures, and its strength will be doubled if it catches you attempting to bluff it. The same principle applies to most of the ruses and devices which have been from time to time suggested, such as the use of steam rollers, fire hose, smoke from tar barrels, and the like. There are times when such expedients may be of value particularly against crowds, but as a rule they will not work against mobs, and will simply excite resentment and contempt. The troops are there to use force; unquestionably they have it, and the crowd will quickly judge whether or not they have the nerve to employ it. Complex and elaborate formations are generally open to the same objections: they are more than likely not to work, and they give the crowd reason to feel that the troops are sidestepping the direct use of force. There are, indeed, rare occasions when a bluff is absolutely necessary in order to conceal a lamentable lack of strength; but in such cases the commanding officer merely has recourse to a second tactical blunder in order to cover up the effects of the first and worse one of being caught in a moment of real weakness.

103. This suggests a third tactical principle, in addition to those of prompt action and avoidance of bluff: it is of the utmost importance to have and to use plenty of men. False

Digitized by Google

economy in men during the opening stages of a disturbance has been responsible for a lot of trouble. "Never send a boy to do a man's job" is an excellent rule to remember, and a disorderly crowd is always a man's job. It is not necessary or advisable to throw the largest possible number of men into the first attack; but when a disorderly crowd has formed every soldier who can possibly be spared from other duties should be on the ground in the front line, in support, or in reserve. On the same principle, no subordinate commander should ever hesitate for a moment about asking for reenforcements whenever he thinks he needs them. Some officers have a wholly mistaken idea that this is a sign of weakness; the real proof of weakness is the vanity which leads an officer to risk his men's lives in order to make a grand-stand play. If no reenforcements are available the officer must do the best he can without them; but when things look threatening, he has not done his full duty by the men under him until he has put the responsibility up to his superior. This applies all along the line, till it reaches the authority by whose order the troops are placed on duty. It is safer, wiser, and cheaper to keep 500 men on duty for a week, and get the trouble over and done with, than to maintain a couple of hundred on duty for a month.

104. The problem of getting from the point of initial mobilization to the scene of action depends for its solution, of course, largely on local conditions. It is, however, a safe general rule never to march when trucks are available, unless the distance is exceedingly short. Speed and mobility are alike of great

Digitized by Google

value, and trucks meet these requirements admirably. It often happens that the first trouble is experienced at the armory or other mobilization point; a crowd may have formed there, half curious, half desirous of preventing the troops from coming out; the experience of the Sixth Maryland, in Baltimore, during the railroad riots is an example. There is, of course, no excuse for any trouble at such a point; the troops are presumably in plenty of force, with excellent fire positions if they need them, and it is manifestly their business to clear a wide area in front of and around the building before anything like a column of troops attempts to march out. The first duty, indeed, of a commanding officer as his men begin to assemble is to send out strong patrols to keep the vicinity of the assembly point clear of crowds, whether hostile or merely curious. A strong line of outguards will make both ingress and egress safe and easy at any time. If trucks are used, the patrols can open one or more ways for them, and generally can enable them to get away without the slightest molestation.

105. If trucks are used, it is important to have the column preceded by an automobile or light, open truck carrying an advance party, and this, in turn, may be preceded by a point on a motor cycle. A couple of automobiles may also be used to advantage on the flanks. If the men are properly trained, they can deploy from the trucks in a very few seconds, but it is important that they should always be assured of these few seconds by having the advance party in a position to give them warning of an impending attack. If trucks are fired on by

Digitized by Google

snipers from housetops or in alleys, they have a much better chance of going through without casualties on a burst of speed than a marching column, which is peculiarly exposed to attacks of this sort. If, however, the troops must march on foot, advance, flank, and rear guards should be maintained. The flank guards are particularly important, as it is their duty to watch the housetops and windows on the sides of the street opposite to the flanks on which they are marching. Alleys and street crossings must always be watched carefully; it is well to have this done by the advance party, which takes possession of each crossing as the column advances, and, if necessary, sends a scout or two far enough to make sure that no danger is concealed. The march should be, so far as possible, on unfrequented streets, with the minimum of traffic, and particularly without street car tracks. It has often been argued that marching troops should use the sidewalks in preference to the roadway, but in practice this seldom works well. If the streets are at all crowded, the column is likely to have to push its way through a mass of pedestrians, and, in any case, what the troops need above all is plenty of room for a quick deployment in any direction. If the crowd is really threatening, they have no business to be marching in column anyway, but should advance in a series of deployed section waves, clearing the street as they go.

106. Old regulations were full of strange suggestions regarding the street column and other delusions connected with marching troops on riot duty. A recent publication (August, 1919)

Digitized by Google

refers to the street column and the square as "archaic formations that are unsuited for combat, and have been omitted from the Infantry Drill Regulations since 1904," but it then proceeds to describe them in great detail. As a rule, the street column is clumsy, useless, and dangerous. It prevents a quick and effective deployment and puts fully half the men where they are entirely useless in the event of a sudden attack. It belongs in the same category as the formation suggested in another publication for protecting flanks at street crossings, whereby, with the battalion advancing in column of companies, the leading company executes a complex *platoons, right and left turn.* Of this it may simply be said that a company which can march in line on a city street, or a battalion which goes into action in column of companies, had better keep out of riot duty altogether. Experiments with elaborate special formations are almost disastrous and should be avoided. If the streets are reasonably clear, the troops can best march in ordinary column of squads, with advance and flank guards; or, if sniping is anticipated, they can use double platoon columns, one on each side of the roadway. If the troops have to make their way through hostile crowds, they should do so in some deployed formation, such as a series of section waves, or with a section or platoon wedge a the head of the column, and strong flank guards. Even for marching prisoners under guard through the streets, the street column and square are weak, as the men are not deployed, and consequently are in a poor position to fight. In such a case the

Digitized by Google

street should be cleared ahead of the advancing troops, and the crowd never permited to reach the flanks at all.

107. In approaching a crowd, either by truck or on foot, it is important to keep always well informed as to what is going on; a certain amount of personal reconnoissance is indispensable, and this should be supplemented by reports from scouts, both in and out of uniform. The safety of the approach and its direction in preparation for the attack alike depend on this information. If conditions are such that more troops are needed before an attack can be launched, this fact should be determined, and the column halted, before the troops have come within sight of the crowd. On the other hand, if the attack is to be delivered at once, the commanding officer should know exactly where he is going to strike, and how he will distribute his troops, so that he can deploy them and begin action with the minimum of delay and confusion. At no time is the service of information more essential than during this period of the approach.

108. If bringing the troops to the scene of action involves a journey by train, a new set of problems is involved. The general principles covering the use of troop trains have already been outlined (pars. 90–93), but in approaching any point where disorder exists or is apprehended, special precautions must be used. If it is known or suspected that troops are on the way, attempts are likely to be made to delay or even derail the trains carrying them. If the troop train is a large one, or proceeding in two or more sections, it is well to send ahead an

Digitized by Google

engine with a single flat car, carrying a sufficiently strong advance guard to clear the track and rout any small bands of marauders that may be found. Each engine may also push ahead of it a single flat car with a few picked riflemen. The only safe rule, however, is not to run so fast as to be unable to stop in time if an obstacle is sighted on the track ahead. It should be remembered that outside of city or town limits the danger to troop trains is practically confined to attempts made on the track, by bomb or obstacle; the menace from attack by rifle fire or otherwise is relatively slight. Within city limits, on the other hand, and particularly in train yards and at stations, the danger is just the other way. Troops boxed up in cars are in the worst possible position for fighting, and when the train is running slowly, or has come to a standstill, they are exposed to almost any kind of an attack. To guard against this, detachments should be ready to detrain instantly at every stop in possibly hostile territory, covered, if necessary, by rifle fire from the train itself, and establish a strong line of outguards sufficiently far from the train to keep everyone at a safe distance. The same precautions should be taken when the whole command is to detrain, and all crowds, whether hostile or merely curious, kept well away. There are cases on record in which, through failure adequately to cover detrainment, the soldiers were seized and disarmed by the mob, one by one, as they emerged from the cars. Whenever possible it is advisable to stop the troop train and get the men out of it at some distance from the scene of disorder; as the mob is almost certain

Digitized by Google

to be watching the railroad station, this adds the advantage of surprise to that of safety. Even so, and with no hostile force anywhere in evidence, it is essential to deploy the first men to detrain as a covering force for the rest. Commanding officers should be under no illusions as to the potential seriousness of affairs at this stage; any effort forcibly to prevent or interfere with the detrainment of troops is a quite sufficient justification of an order to fire. A volley will seldom be needed; a few sharpshooters or a couple of riot guns will generally suffice to keep the crowd at a respectful distance; but, cost what it may, the commanding officer must get his men safely out of the train and formed for action.

109. Nine-tenths of success or failure in riot duty is determined by the character of the initial attack. If it is prompt, vigorous, completely successful and attended by no unnecessary casualties, the chances are that there will be no more serious trouble; the disorderly element will have learned its lesson and will have acquired an unshakable respect for military force. It is at this point, therefore, that the tactical judgment of the commanding officer is most severely tested. He must decide, first, whether the situation demands the immediate use of fire power or whether he can handle it through shock action. If he determines on the latter, as he normally will, he must select the best point for his attack, plan the disposition of his troops, communicate his intentions to his subordinates, get his men deployed, and set the attack in motion. Above all, having decided on a plan, he must stick to it. Indecision is hopelessly

Digitized by Google

demoralizing and generally means that the men are left standing round in sight of the crowd and doing nothing. Failure to act promptly and to carry out the plan adopted creates the very situation the troops are supposed to prevent; it invites the formation of crowds, curious to see what the soldiers will do. Once the troops have come within sight of the crowd the attack should be launched without delay, and carried through without hesitation or change of plan.

110. In determining the point of attack, two points are to be remembered: First, that surprise is a great asset; and, second, that a flank attack offers the best chances for quick success. Surprise is generally of value only if it is coupled with speed, and should always be sacrificed if it involves any material delay after the troops have been observed. Its best application is through so conducting the approach that the opening attack, in full force, strikes the crowd from an unexpected angle. If a surprise attack can be delivered on either flank of the crowd the result is almost a foregone conclusion. It should be remembered, however, that the flank of a disorderly crown or mob is determined not by the direction in which it may happen to be moving or facing but by its shape. This is so because a crowd changes direction with perfect ease; its front may become flank or rear, in the literal sense, at a moment's notice. Its shape, on the other hand, changes much more slowly. Ordinarily a street crowd has two short sides and two long ones. No matter how it may be facing, the short sides are far stronger than the long ones, partly because pres-

Digitized by Google

sure against either one of them is resisted by the entire length of the crowd, and partly because, if the crowd starts to move in a body, it will almost always do so with one or other of its short sides in advance. A crowd not in solid motion, therefore, can hardly be said to have any rear at all; it has two potential heads—the two short sides—and two flanks. The fact that it may be facing to one of those flanks does not alter the tactical situation, except to suggest that the flank away from which it is facing is the best point of attack.

111. Having determined the direction of the attack, the commanding officer will make the necessary disposition of his troops. Supports and reserves are just as essential in riot tactics as in any other form of combat and must be provided for at the outset. The supports may take the form of a deployment in depth, the supporting lines advancing in the same formation as the attacking party, or they may be held in any convenient formation, ready to deploy and reenforce the first line. The reserve, which should always be strong in fire power, in view of a possible disaster to the attacking line, is the commander's only means of influencing the course of the action once the fight has fairly started. It should always be strong enough to deliver a crushing blow, and should be held out until the commander is convinced that he can not win a decisive victory without using it. If it is sent into action, the first opportunity to organize a new reserve must be promptly seized. Both supports and reserves should be prepared to act vigorously if the first line needs reenforcements; additional strength should never be doled

Digitized by Google

out in driblets. In shock action if the advance is checked, what the front line almost invariably needs is renewed impetus, which can best be given by a new and powerful line charging at full speed into the gaps, and by sheer weight and momentum driving the whole formation forward. As for the formation of the attacking force, it will be largely determined by the amount of space available. If the attack is launched along an ordinary city street, and a battalion of troops is available, the leading company may constitute the attacking unit, deployed in a series of section or platoon wedges, with the second company in support, and the third and fourth in reserve. It is here that the training outlined in paragraphs 35–44 will prove of the greatest value; speed and precision in the deployment of the attacking unit will have an enormous moral effect on the crowd and will enable the commanding officer to get his attack started without delay. If the commanding officer's dispositions are carried out without confusion, the crowd is quite likely to break and run before the attack has had time to strike home.

112. The purpose of the initial attack is, normally, to scatter the crowd, which is menacing only as long as it is united. There may be secondary purposes also, such as the capture of certain ringleaders or the protection of persons or property from threatened or actual violence, but the chief object is almost always simply to break up the assemblage. For this reason it is a manifest tactical blunder to cut off the crowd's retreat; when the object is to make them run away, it is absurd to prevent them from running to any good purpose. Herein lies

Digitized by Google

the chief danger of complex frontal and flank attacks or of attacks delivered against the short front or rear of a crowd extending for a considerable depth. The combined attack tends to block at least one avenue of escape for those who want to run; the attack on the short side of a crowd is likely to jam it into closer cohesion. Conversely, if the attack hits the middle of a long flank, the crowd has every possible opportunity to run, and strong inducements to do so, in different directions. Splitting a crowd and then dispersing its fragments piecemeal is almost always successful, provided the supports and reserves keep the rear of the attacking line absolutely clear. It is their duty to see that the first-line troops are not surrounded; when a crowd gets all around any body of troops, no matter what its size, it is a sure sign that some one has blundered badly. It is safe enough to drive into a crowd so that parts of it are on two sides of the troops, or even on three, and the process of splitting a crowd generally involves just this, but always the rear must be kept safely covered. A unit which finds itself surrounded, for whatever reason, should waste no time in fighting its way out to a position where its rear is protected. Operating on interior lines is almost always advantageous to the force which is numerically the weaker, and in riot duty this applies invariably to the troops. There are seldom enough of them to surround the crowd; and if they were to attempt it, as by a double flanking attack, they would simply prevent even the timid members from running away and would actually force them to fight. Furthermore, if affairs so de-

Digitized by Google

veloped that it was necessary to open fire, an enveloping or double flank attack would expose the troops to their own cross fire. It is far more effective to work from the inside out and to split the crowd at the first attack, the supports and, at need, the reserves covering the rear of the attacking force.

113. When the crowd is not encountered in the city streets but in some open space, such as a park, freight yard, or common, the protection of the rear and also of the flanks of the advancing line becomes of even greater importance. In almost every case the commanding officer should select a base and drive the crowd away from it, his supports maintaining the line between the attacking party and the reserve. A crowd gathered in an open space is generally far less compact than one of the same size collected in a street, and thus the pressure at any given point being less, deployment can be at considerably wider intervals, and the wedge can be much more flattened than in the street. In any open space particular attention should be paid to such features as detached houses, sheds, freight cars on sidings, or anything else which may afford shelter and support to sections of the crowd. Such features may be taken care of by detachments from the supports used as "moppers up." In general, if the crowd in an open space is dense, it is better to split it and disperse it piecemeal; if it is not compact, it is better to sweep it in one direction, using a long deployed line with strong supports, thereby disposing of the whole crowd at once. In such an attack the supports can normally take care of protection to the rear, but since the crowd has much

Digitized by Google

greater mobility than it has on streets, the flanks must be strongly covered, preferably by men armed with shotguns or equipped with riot ammunition.

114. Assuming that the opening attack has succeeded in breaking up the crowd, the next object of the troops is to keep all its parts moving. It is obviously futile to go to all the trouble of dispersing a crowd merely to give it the opportunity of reforming again somewhere else. Experience has amply demonstrated that there is relatively little danger to be anticipated from groups that are kept constantly moving, particularly if they are kept going in one direction. The principle is exactly that of a "one-way" street, in which congestion of traffic is avoided by keeping all vehicles moving in the same current. More will be said of this under the head of "Administration"; it is here necessary to refer to it simply as the tactical phase immediately following a successful attack. Within narrow limits troops on foot can keep the crowds thoroughly broken up and in constant motion; this, however, is the ideal time for the use of strong motor patrols. (See pars. 136–138.) If the commanding officer is holding in reserve a number of carloads of troops, he can use them as cavalry are, or used to be, employed after the enemy's forces are broken.

115. During or immediately after the first attack it may be advisable to make one or more arrests, and sometimes the arrest of certain leaders is one of the prime purposes of the attack. The question of making arrests is, in general, administrative rather than tactical; but sometimes the prompt arrest

Digitized by Google

of the right person will be enough of itself to produce a victory. Generally this is not the case, and it should never be too hopefully counted on; the arrest of a leader, while it may cow a disorderely crowd, is far more likely to precipitate a free fight, unless it is simply an incident of the troops' attack. If a man in a crowd of any size is to be arrested, it is well to use a full squad in wedge formation for the work, as a rescue is almost certain to be attempted. The squad should plunge into the crowd at top speed, the corporal seizes the culprit, and the wedge executes *to the rear, march.* The corporal and his prisoner are thus covered by the two flanks of the wedge. If the movement is executed as rapidly as it ought to be, the chances are that the arrest will have been made and the prisoner conveyed safely away before the crowd fully realizes what has happened.

116. The principles which have been here stated regarding the attack presuppose that the immediate commander of the troops has been ordered to disperse the crowd, and that no material restrictions have been placed upon his actions by higher authority. It sometimes happens, for one reason or another, that an attack in full force can not at once be made; the officer in immediate command may, for instance, be limited by his orders from his superior, or from the civil authorities, to the performance of a more or less defensive duty. The fact that this generally involves a tactical blunder does not, of course, justify the officer in disobedience; he must do what he is told to do as well as he can do it, knowing that he will have

Digitized by Google

to use his own judgment if affairs take an unexpected turn for the worse. He may, for example, be told simply to hold a crowd in check, either on the sidewalks to leave the roadway clear for traffic, or at a distance from some threatened point. For such work a deployed line of troops is generally weaker than a series of fairly strong patrols, and, preferably, motor patrols. If, on the other hand, a sidewalk is to be cleared, pushing the crowd into the street, the diagonal formation supplies the most efficacious means. In any case the officer in command must be ready to deliver an instant attack if he sees that the temper of the crowd is not likely to permit him to carry out the orders he has received.

117. It has been said that by far the greater part of the usual disorderly crowd is made up of mere spectators. Many of these, to be sure, are quite capable at any moment of turning into violent rioters, but for the time being they are apparently harmless. In them, however, lies much of the confidence of the real leaders, who know how hard it is for any officer to order an attack on such people; they count on immunity for themselves because most of the crowd they are leading has been guilty of no actual crime. Worst of all, nearly every disorderly crowd includes a considerable number of women, and often children as well. It is a common occurrence for women in the front ranks of a crowd deliberately to invite an attack, knowing how the sympathies of a certain large element in the community will be affected thereby. The situation is exceedingly unpleasant, but there is absolutely no help for it. Women who

Digitized by Google

join in such crowds know that they have no business to be there; the presence of troops is enough to warn them that violence may be expected. So far as possible, of course, women and children must be saved from the consequences of their own bad judgment if they remain in the path of the attack, but they must never be permitted to prevent the troops from accomplishing their purpose. The law makes no distinctions as to sex in holding guilty every person who remains at the scene of a riot after having been warned to depart thence.

118. In directing an attack by shock action, the commanding officer must carry it through on the lines he originally laid down unless conditions so change as to render other tactics absolutely necessary. He may have utterly misjudged the strength and temper of the crowd; shots may be fired at his men as the advance progresses: he may find, in a word, that he must shift suddenly from shock action to fire tactics. He should never make such a change if he can possible help it, and yet he should always be prepared for it, keeping his reserve ready to bring its fire power to bear in case it is absolutely required. In so doing he must remember that his own men are likely to be exposed to their comrades' fire, and consequently should try so to locate his reserve that if they have to open fire their field will be clear. A position on the flank will generally meet the requirements; sometimes a body of sharpshooters may be sent to occupy positions on commanding rooftops, whence they can shoot down into the mob without endangering the lives of their comrades. In any case the reserve

Digitized by Google

should never be so located that its fire is completely masked. In this connection it is worth while to call attention to a formation for riot attack seriously advocated in one textbook on the subject, simply to show what absurdities result from a failure to distinguish clearly between the conditions of shock and of fire action. The formation is described as follows:

"A sufficient force to extend from building line to building line should advance steadily, presenting a row of advanced bayonets toward the mob. * * * A second force, or reserve, should be deployed three or four paces in the rear of the first line, with pieces fully loaded and locked, this body being held in readiness to fire through the intervals of the first line should that body be threatened with defeat. The intervals between men in the first party should be no greater than is necessary."

This formation, in an attempt to combine two utterly unlike tactical principles, would make practically certain the killing of some of the first-line men by the fire of the second body if it should come into action. It can not be too strongly insisted on that, so long as shock action is employed, fire power must be held absolutely in abeyance; if the moment for opening fire arrives, the men must have a clear field, and all shock action must absolutely cease.

119. There can be no absolute rules to determine when the resort to fire power is justifiable. The matter has repeatedly been thrashed out in the courts, but only to reach the conclusion that the matter is fundamentally tactical, not legal. Army Regulations specifically state that "it is purely a tactical ques-

Digitized by Google

tion in what manner they [troops] shall use the weapons with which they are armed—whether by fire of musketry and artillery or by the use of the bayonet and saber, or by both, and at what stage of the operations each or either mode of attack shall be employed. This tactical question will be decided by the immediate commander of the troops, according to his judgment of the situation." Legally, rifle fire is justified (*a*) when troops are attacked, in order to save their lives, under the general law covering justifiable homicide; and (*b*) in order to quell a mob which can not otherwise be dispersed, provided a felonious action has been committed, or clearly will be committed if the mob is not scattered. Rifle fire is never justified in law when the acts committed by members of the crowd amount only to misdemeanors, even though the command to fire be given to support the authority of military orders lawfully issued. It is justified in preventing the rescue or escape of a felon, but not that of a person arrested for a misdemeanor. Substantially, the question is simply one of fact; the immediate commander of the troops must make his decision on the spot, and take the consequences. If he fires needlessly, he may be guilty of manslaughter, if not of murder; if he does not fire when he ought to, he may be equally guilty, from a moral standpoint, of the murder of his own men.

120. In general, the use of firearms against the troops will be the determining factor. Many writers have claimed that stone throwing justifies an order to fire, but the facts hardly bear this out. Most stone throwing is desultory, the culprits being more

Digitized by Google

or less concealed in the crowd, so that a volley would be most unlikely to get them; the best answer is a sharp attack. Of course, however, stone throwing may assume such proportions as to justify fire in self-defense. The situation with regard to the use of firearms is somewhat parallel; one or two stray pistol shots do not, as a rule, warrant volley firing, though they fully justify an order to sharpshooters to try and pick off the offenders. If, on the other hand, any considerable part of the mob is armed with rifles, shotguns, or pistols, and shows the slightest propensity to use them, the most merciful way of dealing with it is by one or two volleys, promptly fired and well aimed. While each situation must be judged on its own merits, it may be said, in general, that there are three conditions fully justifying the order to fire when on riot duty: (*a*) An attack on troops endangering their lives, whether the assailants are using firearms or not; (*b*) a felony, actually committed or manifestly about to be committed, and under such circumstances that fire action alone can prevent further felonious acts; (*c*) the general use of firearms by the mob, either to resist the troops or for any other unlawful purpose. Only the immediate commander of the troops, on the scene and at the time, is qualified to determine whether or not one of these conditions exists, and it is therefore absolutely essential that his orders should never absolutely limit him as to the amount of force to be used.

121. If fire action must be used, the commanding officer's object should be to get the thing over with as quickly as possible. He should not delay or hesitate, but should act promptly once

Digitized by Google

he is sure that his action is fully warranted by conditions. The courts have held that the innocent must be given a chance to escape before fire is opened; but if resort to fire action is really justified, it is more than doubtful whether there are any innocent persons, in the legal sense, present. By remaining at a riot which has reached so violent a stage they have rendered themselves guilty. The action of the troops in preparing to fire is generally in itself enough of a warning. At such a point there should be no threats, no attempts to deceive the mob as to what is intended. Threatening to fire and then withholding the order, or firing over the heads of the mob, are about on a par with the positively forbidden use of blank cartridges. There should be no desultory shooting; the firing should be by volley, and by command only. The aim should be low, particularly if service ammunition and battle sight are used. If possible, riot guns or rifles with "guard" ammunition should be used; it is neither necessary nor desirable to kill many members of a mob, a wounded man being just as discouraging to his companions, for the time being, as a dead one. Except in relatively open country, it is seldom that fire is opened at even midranges; the conditions determining the order to fire are such that, as a rule, it can be given only after the troops have come within a couple of hundred yards or less of the mob. This fact makes service ammunition doubly undesirable; and while "guard" ammunition is very much better, the spreading short-range fire of short-barreled riot guns is by all odds the best of all.

Digitized by Google

122. The use of bayonets against mobs, as distinct from crowds, is, of course, a tactical matter to be determined by the immediate commander of the troops on the basis of conditions actually existing at the moment. As a general thing, however, the employment of the bayonet is to be avoided. It is less effective than rifle fire, less easily controlled, just as dangerous to the mob, and far more so to the troops themselves. The soldier, and particularly the civilian soldier, who will have no difficulty whatsoever in squeezing the trigger at the signal to commence firing is quite likely to turn actually sick when he has to thrust his bayonet into the body of a fellow townsman. If a bayonet charge is pushed home, the casualties will be as numerous and as severe as if three or four volleys had been fired, not to mention the fact that some of the charging men are pretty sure to be brought down by stray shots. Of course, there is always the chance that the terrifying spectacle of an advancing line of bayonets will of itself be enough to scatter the mob, but in such a case it is probable that a vigorous charge without bayonets fixed would have proved equally effective. Experience has conclusively shown that mobs are not as much afraid of bayonets in the hands of National Guardsmen as they ought to be; they regard them in the light of threats and bluffs rather than as intensely dangerous weapons. Once again, it is a safe rule to distinguish sharply between shock action and fire action; if conditions do not warrant opening fire, they equally preclude the use of the bayonet except in the hands of well-trained men who are adept at thrusting for the arms and legs and less vul-

Digitized by Google

nerable parts of the body. When conditions are such as to justify the fire order, it is far better to shoot and be done with it.

123. It is commonly argued that, even when rifle fire is used, a mob should be attacked on two sides, but as a rule this is neither practicable nor wise. The conditions which lead to the command to fire are generally such as to demand instant action and to preclude any chance for complex movements. Even if the opportunity is given, a combined attack shuts off one avenue for the flight of the mob, and thereby tends to make its resistance more prolonged and desperate. Moreover, as a rule there is no real trial of strength when rifle fire is resorted to; the mob is almost certain to break after one or two volleys, if the aim is good. The object of the commander who determines to employ rifle fire is to demonstrate instantly and impressively the immense superiority of the troops over the mob. Complicated tactics will not accomplish this nearly as effectively as a simple fire attack. A combined frontal and flanking attack may be exceedingly useful when shock action alone is depended on, but the terrible killing power of firearms, particularly when used against disorganized and exposed masses of people, suggests the simplest form of attack as the best.

124. An exception to this rule should, however, be made whenever the mob has fortified itself behind barricades or has in any other way found adequate cover. If a barricade of any real strength has been thrown up, the troops should immediately resort to fire tactics and should seek positions whence

Digitized by Google

their fire will enfilade the obstruction. A straight frontal attack on a barricade should always be avoided if possible. The troops should be kept well under cover, and the object should be to render the position untenable as quickly as possible. This can be done by an enfilading fire, as has been suggested, or by rifle fire from elevated positions, such as roof tops. It can be done still better by well-directed high-angle fire, using rifle grenades or trench mortars. It is for just such emergencies that grenades and mortars should be always available; they may save scores of lives. An ordinary barricade is practically useless against high-angle fire, whereas if it is so located that it can not readily be enfiladed it can make a lot of trouble for troops armed only with rifles. The employment of tanks against barricades has recently been suggested, but the tank needs infantry support, and while it could, of course, easily demolish a barricade the chances are that the supporting infantry would suffer materially during the advance. The tank as a weapon for riot work has not yet proven entirely satisfactory. Its appearance in Cleveland during the riots of May 1, 1919, seems to have attracted far larger crowds than it scattered. Its appearance at Hopewell, Va., depopulated the town, the rioters taking to the timber. It can, of course, open a road through a mob, and it can crush down obstructions; but this is about the extreme limit of its usefulness. If a barricade is to be forced, the trench mortar provides the ideal means for doing so.

125. The machine gun has been more talked about than any other weapon in connection with riot duty, and yet, in the

Digitized by Google

United States at least, it has practically never been used. The reason is obvious: all the objections that apply to the use of rifle fire against crowds and mobs apply with multiple force to the employment of machine guns. The machine gun is the troops' last argument, the final reserve which should always be available and which it should never be necessary to call upon. The normal functions of the machine gun in war are to facilitate movement and to prevent movement; in riot service its use is largely confined to the second of these. It is the great defensive weapon; its mere presence is generally enough to restrain any mob from action. If a building is to be guarded, a street to be kept clear, a mob to be kept away from any given point, the machine gun will do the business. Its value, therefore depends largely on the skill with which it is located It must have a clear field of fire, in no danger of being masked by movements of troops, and it must invariably have a strong infantry support. Never, under any circumstances, should any part of a disorderly crowd be permitted to come close to a machine gun in position; everyone should be kept at a respectful distance. If machine guns are mounted on light trucks, their mobility renders them doubly useful, but also doubly hard to protect; the truck carrying a machine gun should be closely accompanied by another loaded with infantrymen. The moral effect of a machine gun is enormous, wherefore a successful attack made on one by the mob would be correspondingly disastrous.

Digitized by Google

126. The vital thing to remember in the tactical handling of machine guns for riot service is that the mob must never be permitted to think that the weapon is being displayed simply for effect, and will really never be used. There is great danger in parading machine guns conspicuously on occasions when there is no reasonable likelihood of employing them; the crowd is quick to perceive the element of bluff, and to develop an attitude of contempt which may lead it to perilous extremes. The machine gun should, therefore, be kept strictly in reserve, and as little in evidence as possible, except when and where it is obviously intended for business. For example, when troops are approaching a crowd or mob the place for the machine guns is with the reserve or at most with the supports, even if fire action becomes necessary the machine guns should not be brought forward if it can possibly be avoided. On the other hand, if a threatened building is to be protected machine guns may be conspicuously mounted so as to sweep the approaches thereto. If they are so mounted, and an armed mob approaches, they must be unhesitatingly used; a single burst of fire may be quite enough, but if the mob is not taught that the guns are there for a deadly purpose there will be far more lives lost in the long run. Again the cardinal rule of riot tactics applies: Never bluff.

127. Among the various methods often suggested for dealing with mobs, as distinct from disorderly crowds, the use of fire hose appears offhand one of the most attractive. A powerful stream of water is not a bad offensive weapon for the moment,

Digitized by Google

but it is generally inconclusive and merely postpones the final conflict. It will scatter an ordinary mob quickly enough, but as soon as the rioters get reasonably dry they will renew their activities with a much increased contempt for troops who resort to such weapons. Moreover, if it fails at the outset, as it sometimes does, or if the hose lines are cut, it will merely infuriate the mob and render more difficult the work which will have to be done with the rifle. Troops on riot duty are much better off if they stick to their proper weapons. Incidentally the use of fire hose may have the disastrous effect of inflaming the mob with hostility against the fire department, and thus hamper and endanger the firemen in the performance of their proper duties. It must be remembered that arson is one of the chief occupations of any mob, and that the troops may have not only to fight the mob but to protect the fire department in putting out conflagrations. The race riots in Omaha in 1919 illustrate this vividly. Lines of hose are, of course, extremely vulnerable, and there is no possible way of guarding them except by clearing the entire area from the hydrants to the scene of the fire. If a building has been set on fire, and the mob remains near it, rifle or machine-gun fire should be used without the slightest hesitation if necessary to drive the rioters away and give the fire department a chance for unhampered action. A few truckloads of troops will suffice to cover the approach of the fire apparatus. Once the mob has been driven back, strong patrol lines, with machine guns commanding the most important approaches, should prevent any unauthorized

Digitized by Google

person from coming anywhere near the hydrants or lines of hose. There is absolutely no use in trying to deal gently with a mob which has once started on a career of arson; the felony actually committed is sufficient warrant for the use of any degree of force which may be necessary, and prompt, vigorous measures are pretty sure to prove in the end the most merciful.

128. As a special phase of mob tactics the prevention of lynchings involves certain peculiar problems. Whenever a lynching is attempted there can be absolutely no question as to the amount of force which the troops are warranted in employing; the felony is so manifest that the problem is purely a tactical one. If the prisoner is still in jail, and not in the hands of the mob, the mission of the troops is essentially defensive, but they should not for this reason permit themselves to be attacked. A considerable space should be cleared all round the jail, and the main avenues of approach covered by machine guns. Groups forming near this guarded area should be sharply attacked and broken up; if a mob is to form, it should be compelled to do so at a considerable distance, and, if possible, should be attacked and broken up long before it comes close to the point of danger. It often happens that a prisoner is held for days and even weeks with feeling running so high that a military guard is necessary all the time. In such a case the essential thing is to break up instantly all groups, even those of only three or four men, forming anywhere near the jail, and to be prepared at any time to attack and disperse a mob congregating at a distance. If, on the other hand, the mob has surrounded the jail before the

Digitized by Google

troops arrive, it must be immediately scattered, with rifle fire if necessary, and thereafter kept from re-forming by the prompt dispersal of all groups in the neighborhood. It is frequently necessary to remove the prisoner from the jail, in order to transport him to some other place of confinement. Before this is done all groups in the vicinity should be dispersed, so far as possible, by vigorous attacks. The prisoner should be kept so far as possible out of sight and conveyed in a closed car, a strongly supported skirmish line sweeping the street ahead of it, and strong flank guards on each side, prepared to attack sharply along any intersecting street or alley. The column should never wait to be assailed, and should carry on whatever fighting may be necessary as far as possible from the prisoner and his immediate guard. If the situation is reversed, and the prisoner has already been captured by the mob before the arrival of the troops, the immediate problem is, of course, to effect a rescue. Rifle fire is practically useless for this purpose, and the only chance of success is through a sharp attack, with bayonets fixed if necessary. A small guard, with bayonets ready, should instantly close round the prisoner, the rest of the troops being used to drive the mob away. After the first attack, if it is successful, the object should be to get the prisoner under cover without delay, and to keep the fighting at a considerable distance from him. A mob bent on lynching is generally so savage that only an unquestionable demonstration of force, and of the troops' readiness to use instantly just as much as may be required, will quell it.

Digitized by Google

129. A frequent episode of riot duty when mobs have formed or are imminent is the protection of public or other buildings. Many riots, for example, have centered around jails in which criminals were confined; the object of the mob has sometimes been to kill the prisoners, and sometimes to rescue them, but in either case the task before the troops was to protect the buildings and those within them. It can not be too strongly insisted on that the proper place for guarding a building is outside of it; an interior defense should be resorted to only when necessity absolutely compels it. The reason for this is clear enough; troops shut up in a building are inevitably thrown on the defensive; it is almost impossible for them to attack; and they must leave to the enemy the full choice of conditions for fighting. The power of initiative is an enormous advantage, and a commander who coops up his men within four walls foregoes this advantage from the start. A building in a city can best be protected by blocking off all the adjacent street intersections, with machine guns so mounted as to command the main avenues of approach. Strong posts across each street, always on the far side of the crossing, so that their supports can give each other mutual assistance, should keep all unauthorized persons at a safe distance; if groups begin to form within sight of the building guarded, they should be promptly scattered. Adjoining and near-by buildings, particularly those with commanding windows or roofs, must be carefully watched; if not included within the cleared and guarded area, sharpshooters must be held in readiness to open fire at the first evidence of activity by snipers. As

Digitized by Google

a rule, it is more economical in the long run to clear at least a full city block, and, if the buildings facing on the cleared streets have back entrances on alleys or other streets, to guard these as well. If the situation is acute, barricades may be used to strengthen the outpost lines, and certain streets may be further blocked off by the use of barbed wire. It is always essential, however, to leave sufficient free passage so that the troops can easily get out for an attack; nothing is more dangerous than to destroy the offensive spirit of the troops by compelling them to adopt a purely defensive plan.

130. There are, of course, times when an interior defense must be undertaken; the only real excuse for it is lack of sufficient troops to establish adequate exterior posts. An interior defense should always be regarded simply as a temporary expedient, pending the arrival of reenforcements, and the commanding officer should seize the first opportunity to get his men outside. When a building or inclosure must be guarded from within the doors and windows, particularly on the ground floor, should be strongly barricaded, except that one or two doors should always be left available for sudden egress on the chance of a counterattack. Loopholes should be pierced at commanding points, care being taken to see that they are not so low that they can be used from outside, and yet not so high as to leave dead spaces close to the walls. The object should be to see that no point near the building is sheltered from the defenders' fire. Sharpshooters on the roof, particularly if there is a sheltering cornice or parapet, can do much to hold

Digitized by Google

off an attack. In case there is any danger of the supply of water, electric current, or gas being cut off the defenders should arrange for a reserve supply of water in tanks or pails, and should have plenty of candles or lamps. One of their first cares should be to see that they have enough food to stand a siege of two or three days. Fire extinguishers form an important part of the defensive equipment. An interior defense almost always means virtually a siege, the prompt raising of which by the use of strong reenforcements is the paramount duty of the higher authorities outside. An officer commanding a force of any considerable size should always bear this fact in mind and never permit so large a part of his command to be caught in or around a building that the remainder is unequal to the task of rescuing them. A relatively small guard and a strong reserve outside ready to strike the mob in flank or rear, will afford far better protection than a much larger guard which is in constant danger of being surrounded. It must be remembered that trouble is most likely at night under cover of darkness, and thus for any kind of a defense searchlights or floodlights should be installed promptly, so that the area under close guard will be well lighted at all times.

131. If the problem is one of attacking, not defending, a building, everything depends on the probable strength and determination of the defenders. If they are well armed and desperate, and the building is solidly constructed, the occasion is one for artillery, or, better, for trench mortars. Sometimes, however, machine guns will do the work. If mortars

Digitized by Google

are not available or can not be used, the best alternative is to settle down to a siege, starving the defenders out or cutting off their water supply. This method is slow, but it is sure, and its saves casualties. Local conditions will determine what must be done in each case; the main thing to bear in mind is that rifle fire alone will not shoot resolute defenders out of a strongly built house the doors and windows of which have been barricaded. If explosives can be used, it is sometimes possible to blow up all or part of the building; occasionally it can be set on fire. A well-handled mortar, however, will do the business very quickly, and the troops are not likely to suffer any serious losses when cleaning up after it.

132. An attack on a fortified building is much less frequently required than one on an ordinary building in which a group of armed rioters have taken refuge. In such cases rapidity of attack is all important; once begun, the advance should never be allowed to stop. The first step is to surround the house, keeping careful watch on every possible point of egress. If the roof can be reached from adjoining housetops, the attack should begin from the top and work down. In a large building the attacking party should be careful not to scatter too much, but should operate as a unit. Two or three good axes may prove of great value if locked doors are encountered. If the house is isolated or can not be approached with good cover, sharpshooters should protect the advance, watching every window from which a shot could be fired. The troops should approach a house on a city street from the right, keeping close

Digitized by Google

to the wall, so that the occupants will have to lean out of the windows to shoot at them. When the entrance must be made from below, it is often advisable for the attacking party not to wait to investigate the downstairs rooms, but to leave a guard at the entrance and proceed at once to the attic or roof and then work down floor by floor. An attack on a building, whether fortified or not, is always dangerous; the commanding officer must decide whether the defenders are weak enough to make the risk of a rush worth while or whether to wait for mortars or explosives to demolish the building. In estimating the situation, he must balance against the danger of a rush attack, the risk of being himself attacked in rear by the friends of the besieged if he delays too long. If the bolder course offers a reasonable chance of prompt success, he will probably do well to adopt it.

133. It frequently happens that riotous disturbances involve attempted interference with traffic, and that, in consequence, one of the chief duties of the troops is to protect railways, street car lines, trucks, or busses. The tactical problems involved in work of this kind are peculiarly hard to solve, for the reason that the field of possible action is so widely spread out. The history of the great railway riots of 1877 provides scores of object lessons in the difficulty of adequately guarding railway property; and the same trouble, on a smaller scale, is encountered in any traction strike. If railroad traffic is threatened, the service of protection involves three distinct tasks: The guarding of stationary property, such as offices, sta-

Digitized by Google

tions, freight yards, roundhouses, etc.; the protection of trains against attack; and the patrol of the right of way. No one of these three functions can safely be neglected, for each directly affects the other two. Owing to the great extent of the duty thus involved, it is absolutely necessary from the outset to establish clear geographical limits to the territory within which the troops will undertake to afford protection, and to make these limits such that the available force will have a reasonable chance of success. An undue dispersion of effort will result in such a weakening at the critical points as will invite disaster.

134. The protection of the stationary property of railroads or other common carriers is, as a rule, simply a matter of having enough men. It proceeds normally in accordance with the general principles already laid down for guarding buildings. The stations, roundhouses, freight sheds, and other buildings must be promptly cleared of unauthorized persons, and strongly guarded from the outside; if disorder has started, or appears imminent, the immediately neighboring streets should be likewise cleared. Machine guns may advantageously be used to command the chief approaches. Nine-tenths of the failures and disasters which have followed the efforts of troops to protect railway stations and similar buildings have been directly attributable to the attempt to guard them from the inside. Roundhouses are particularly important, above all at points where trains customarily change engines. Train yards are often difficult to protect, owing to their extent, and also to the fact that parts of them are often none too well lighted at night. If the rolling

Digitized by Google

stock in the yards can be collected as close together as possible, with searchlights or floodlights upon it, the danger of successful attack will be greatly lessened. In a large city it is often quite impossible, with the number of troops normally available, to establish adequate guards at all the points likely to be threatened in time of disorder affecting the railways. In such a case it is unwise to try to cover as many points as possible with small posts; the most important places should be strongly guarded, and a very strong and mobile reserve, with trucks for quick transportation, should be held at a central point. A situation like this makes clear the immense importance of an adequate service of information; the troops can generally move a good deal faster than a mob, and if the commanding officer gets prompt and accurate information he has every opportunity to throw in his reserve wherever it is most needed.

135. Guarding the railway right of way and the trains moving on it is another matter. It must always be remembered that troops on trains, and particularly on passenger coaches, are in an exceedingly bad position. Their great need is for mobility, which is absolutely denied them if they are cooped up on cars. A train is in relatively little danger while it is in motion if the track is kept clear. The trouble almost always begins only after it has stopped. It follows that commanding officers should be very cautious about using their men as guards on board trains. They may send a few sharpshooters, or a few men armed with pistols and riot sticks to maintain order in case trouble starts among the passengers, but they should recognize that their

Digitized by Google

real function is to provide protection for the trains while they are at a standstill, and from the outside, not from the inside. If all stopping places are adequately guarded and the track is carefully patrolled, the trains are not likely to suffer much from interference. The patrol of the track can best be managed in close cooperation with railway employees who are thoroughly familiar with such work; if possible, such employees should do the actual inspecting of the track, bridges, culverts, etc., with the troops furnishing them protection. An engine with a steel flat car attached may be used for carrying a patrol over the track to be watched, but if the track is paralled by a highway, motor patrols are very much more effective. Two or three light trucks with small detachments of troops can guard a considerable stretch of track, provided the road runs reasonably near it. It is, however, often necessary to establish fixed posts at bridges, tunnels, and similar points where observation is difficult. Such posts should, whenever possible, be established far enough away from the point guarded to keep trouble makers at a safe distance.

136. In the case of a street railway, conditions are, in general, similar to those affecting the protection of steam railways. The power plants and car barns must be strongly guarded, the right of way patroled, and the cars protected. The patrol of the tracks is, in general, simplified by the fact that they run on the city streets, with the result that motor patrols can be most effectively used. It is well to have always in reserve one or more trucks equipped for wrecking operations and particularly

Digitized by Google

for removing obstructions from the tracks. If a track anywhere is reported blocked, the seriousness of the situation must not be underestimated; the mob has probably been waiting for just such an opportunity, and it is not only necessary to get the obstruction off the track but to send instantly to the scene a large enough force to deal effectively with a dangerous mob. As for guarding the cars themselves, the essential thing is to do it always from the outside. Pressure is frequently brought to bear to have details of soldiers ride on each car. In a city with, say, 500 cars operating such a program, allowing for reliefs, would call for not less than 2,000 soldiers, and it is safe to say that nine-tenths of them would be utterly useless. Twenty rapidly moving motor patrols, involving at most a couple of hundred men, will prove infinitely more effective. In 12 hours 20 such patrols would easily pile up an aggregate mileage of 5,000 miles or more, which is a sufficient indication of the thoroughness with which they could cover the entire length of track to be guarded. Moreover, while trouble makers are on the lookout for guards on cars and know perfectly well how to deal with them, having them at a hopeless disadvantage, they are very quickly discouraged if every few minutes they see an automobile full of soldiers and have no idea how soon the next one may turn up. It can not be too strongly emphasized that in any disturbance affecting a street railway the first object of the troops must be to prevent the cars from being blocked. The moment a car is held up trouble will start; but as long as the tracks are kept

Digitized by Google

open and the cars run normally, such disorder as there may be will be trivial.

137. The motor patrol is, indeed, the answer to most of the problems of military protection at times when violence is anticipated rather than actual. It has already been pointed out that nine-tenths of any such tour of duty is occupied with purely preventive work. Often the troops are ordered out on a general threat of trouble, although no specific outbreaks have anywhere occurred. In that case, and also throughout the entire period of any prolonged disturbance, the matter of patrolling is of the utmost importance. Disorder starts and spreads with alarming rapidity, and in a large city there is no telling where sporadic cases of it may occur. The only possible way in which the troops can adequately cover their allotted territory is through an extensive system of patrols, maintained night and day. This is true above all when, as is frequently the case, the possibilities for disorder are not closely centered; when, for instance, as in a race riot, an isolated act of violence may be the signal for mob action. The ordinary open touring car will hold just the right number of men for an effective patrol: four men besides the driver. Such a patrol is large enough to make an arrest, disperse a small gathering, guard a prisoner, send a messenger, or to put up a hard fight if it has to. The foot patrol, by comparison, is slow, weak, and inefficient, and should be used only in a few crowded sections where an automobile might find itself blocked. It is often well to supplement the motor patrol system

Digitized by Google

by the establishment of pickets at carefully selected points, each picket having a truck or two at its disposal, so that it can promptly reinforce any patrol within its district which may telephone or send for help.

138. The motor patrol, properly used, has a double function: it serves to prevent or to check incipient disorder, and it supplies the commanding officer with first-hand information. For both reasons the proper routing and scheduling of motor patrols is of great importance. A patrol should normally run by map, with a clearly specified section to cover, and should report at stated intervals. Every effort should be made to see that the entire district is periodically covered and that points where trouble is expected are visited constantly. If all the men have had proper training in reporting what they see and hear, the information sent in by the motor patrols will give the commanding officer, through his intelligence service, a clear and accurate picture of all that is going on. The mobility of such a patrol gives 4 men the potential strength of 40, and even if a mob has formed, the moment it is broken by infantry attack the motor patrols can advantageously be brought into action, performing the functions of cavalry in completing the victory by keeping the enemy in flight.

139. This suggests the actual use of cavalry in the service of military protection. On this point there are many opinions, but on at least one phase of it everyone is agreed: mounted men must never be used unless they, and above all their horses, are highly trained. Effective as mounted troops undoubtedly are in

Digitized by Google

breaking up mobs, if things go wrong their employment is likely to prove disastrous.

140. In concluding this survey of the tactical features of riot duty it is well to insist once more on the absolute and unvarying necessity for discipline. In the face of overwhelming numbers, and often with an intensely hostile sentiment dominating a considerable part of the population, the troops' success depends first of all on the one dominating quality which makes them soldiers. Discipline is nine-tenths of tactical success in riot duty; and well-disciplined troops will accomplish their mission even if the plan of action be thoroughly faulty.

Digitized by Google

VII. ADMINISTRATION.

141. Officers commanding troops engaged in the service of military protection necessarily have a greater or less amount of administrative work to perform. If martial law has been declared, or if the civil authorities, although retaining the semblance of authority, are really too weak to act, then the administrative duties of the military may be exceedingly heavy. If the civil machinery of government has not been seriously dislocated, the officers will have little more to do than to attend to the usual military routine. In most cases, however, the troops will find themselves virtually in charge of police arrangements, and their administrative functions, outside of those which relate solely to themselves, will largely have to do with regulations for the proper and effective policing of the district in which they are operating. To a great extent these administrative duties and regulations are closely connected with tactics, their object being precisely that prevention of disorder which, as has already been been pointed out, is a prime purpose of all military protection.

142. The first care of the officer in command of troops on riot duty, in so far as he may have taken over the police administration, is to issue such instructions as will be most likely to prevent the formation of dangerous crowds. The tour of duty

Digitized by Google

may last for weeks, and as nine-tenths of the danger always comes from crowds, which may form at any time if not prevented, the importance of proper regulations is manifest. It is by no means always necessary to publish these regulations, though it is sometimes desirable to do so; but all officers and noncommissioned officers on duty should know clearly just what rules are to be enforced. It is well, therefore, for the commanding officer to draw up a brief schedule of the police regulations which he wishes the troops to enforce and to issue these in the form of an order, indorsed and approved by the civil authority in aid of which the military is operating.

143. While the regulation of public meetings, parades, demonstrations, theaters, churches, etc., will normally remain in the hands of the civil authorities unless martial law has actually been proclaimed, it is more than probable that the military commander will be consulted as to the policy to be adopted, and he may find this whole matter specifically delegated to him, along with other police functions. Meetings, whether indoor or out, are the original sources of most of the rioting in time of disorder. Small meetings, not of a public nature, can not of course be prevented, but in any period warranting military intervention large public meetings of any sort should be absolutely prohibited by the civil authorities or by the commanding officer under martial law, and in either case the troops should stand ready to make the prohibition good. In doing this it is essential that no favor be shown; all public meetings except for specified

Digitized by Google

purposes, such as worship, should be prevented, no matter what their professed purpose. The order issued may be in general similar to the orders issued in many localities in the autumn of 1918, prohibiting meetings and closing public places on account of the influenza epidemic. As for theaters and churches, it is, of course, most desirable to permit normal activities to go on just as much as possible, and conditions must be exceedingly bad to warrant anything so drastic as the closing of such places. At the same time the churches, or some of them, must be carefully watched, for it is by no means uncommon for astute leaders of disorder to use a church with an anti-Government clergyman as a rallying place for a crowd which may quickly turn into a mob. As for theaters they are generally harmless enough, except from the fact that they deposit on the streets a great number of people at a time of afternoon and of evening when disorder is most likely. If the streets are well patrolled these crowds can generally be handled without much trouble. It is well to keep a close eye on the performances, and particularly on what is being shown in the moving-picture houses, to make sure that the theaters are not being used for propaganda dangerous to public safety.

144. During periods of unrest and incipient disorder there are likely to be frequent applications for permission to hold parades or similar public demonstrations; if labor troubles underlie the situation, the strikers are almost certain to want to march in public, and if permission is not accorded may attempt to do so anyway. The proper handling of such problems

Digitized by Google

demands a good deal of tact and shrewd judgment. Parades or demonstrations at night should never be permitted under any circumstances while troops are on duty; they are almost certain to lead to disorder from the fact that so many of those who are employed throughout the daytime are on the streets with nothing to do. If the situation is not well in hand, it is generally advisable to forbid street parades at any time; but if the troops have a firm grip on the situation it is worth remembering that a daytime parade, judiciously handled, may serve as a safety valve whereby the crowd can let off harmlessly its surplus steam. For example, in a labor dispute if the strikers are rigidly prevented from attempting to show the public their numerical strength by marching through the streets, the repression may lead to serious violence; whereas if they conduct a parade in the daytime, with an escort provided by the troops, and with motor patrols flanking and following the column, it is quite possible that they will walk themselves into such utter weariness that for days they will be too tired to make any trouble. In such a case the leaders of the parading body must be made strictly responsible for promptly throwing out any hangers-on and alleged "sympathizers" who may be attracted to try and join the procession, and they must be made clearly to understand that the least sign of disorder or rowdyism, such as obstructing traffic, will not only put a summary end to the parade but will have most unpleasant consequences for themselves.

Digitized by Google

145. If a city's industries, or the greater part of them, are running normally, the hours between 8 in the morning and 5 in the afternoon are likely to cause relatively little trouble, for the good reason that most of the material of which a mob is made is at work. Disorder is most to be feared after dark, when there is nothing to keep men off the streets, and when darkness provides a possible cover for acts of violence. Experience indicates that the period when mobs are most to be expected is from 5 or 6 to 11 in the evening, whereas sporadic acts of violence, including attempts at incendiarism, are most likely between 11 p. m. and dawn. Unless the theaters and all similar places have been closed, it is practically impossible to clear the streets before 11 or 11.30; but when disorder has shown signs of becoming widespread it is generally advisable for the civil authorities, or the military commander under martial law, to order the streets within specified limits kept clear between, say, 11.30 p. m. and 5 a. m. This order can best be enforced by motor patrols, and it may prevent a good deal of trouble. Of course, in acute cases it may be extended indefinitely; but it must be remembered that clearing the streets in any business section, where trouble is most likely to occur, means the virtual suspension of business, and that it is most undesirable to disturb normal conditions more than necessary. For example, when the looting of shops or warehouses has occurred or is feared, it is generally better to make strict rules for the control of street traffic and the prevention of gatherings than to attempt to clear absolutely the streets in the threatened

Digitized by Google

district. It is quite impossible to protect with sentries all the plate-glass windows in the business district of a large city, and much better results will be obtained by the publication of clear and vigorous orders regarding both pedestrians and vehicles, enforced by as many motor patrols as possible, with the support of infantry pickets at commanding points.

146. In the handling of traffic, there is one basic principle of almost limitless importance: there is seldom much danger from a crowd kept moving in one direction. The policeman's traditional "Move on!" is the surest safeguard against disorder. Even though a crowd may look most alarming it will almost never do anything violent until it stops moving. Two or three loiterers may become the nucleus for a mob; the same men kept in motion will cause little or no trouble. Every mob must have a fixed focus: a blocked street car, a broken-down truck, a group of men standing in front of a building, a speaker on a soap box, almost anything around which people can collect. It follows that the best way to avoid trouble is persistently and at all times to keep people moving, and to fix the directions in which they shall move. In a crowded thoroughfare each sidewalk becomes a "one-way street," every one on the north sidewalk, for example, moving east, and every one on the south sidewalk west. As for those who object to moving in any direction—and they are the ones most likely to lead to disorder—practically every city or town has ordinances prohibiting three or more persons from standing together or near each other in any street or on any sidewalk so as to obstruct the

Digitized by Google

free passage of pedestrians, and making it a misdemeanor for three or more persons to assemble anywhere with intent to carry out any purpose in such a manner as to disturb the public peace. A somewhat liberal interpretation of these regulations will suffice to keep people moving, provided always the troops show from the outset that they are determined to enforce them.

147. Too much emphasis can not be placed on the importance of the proper handling of traffic and the direction of pedestrians in periods of actual or threatened disorder. As has already been pointed out, in any reasonably extended tour of protective duty the troops will spend very little of their time in dealing with actual mobs; most of their work will be purely preventive in purpose. A thoroughly alert system of motor patrols and traffic regulations strictly enforced will do more than anything else to prevent crowds from gathering. The municipal regulations against loitering on the streets and unlawful assembly and the ordinary police powers in controlling traffic provide the troops with their most effective weapon for the prevention of disorder. Every officer and noncommissioned officer should, therefore, know clearly and exactly just what regulations are to be enforced, and the work should be carried out with thoroughness and energy. "Keep them moving one way" is the officer's safest rule when confronted with a crowd which, while in no sense riotous, is disquieting. Motor patrols and military police armed with riot sticks are far better fitted for such work than infan-

Digitized by Google

try equipped with rifles. It is policeman's work and must be done by police methods.

148. In this connection it should be pointed out that unless the police force is itself in sympathy with the disorderly element it can cooperate most usefully with the troops. The mere presence of the military generally means that the commanding officer has temporarily taken over most of the functions of the chief of police and therefore it is most desirable to have the civil authority specifically and in writing direct the chief of police to report to the military commander and work under his direction. So far as possible the police should carry on the routine work of their department, supported therein by the troops; they should handle traffic, so far as their numbers permit, and make arrests whenever they are available for doing so. It is, of course, absolutely essential that there should be no divided control; the military and the police must never work at cross purposes, and in case of disagreement it should be perfectly clear where the authority rests. Since the troops are on duty only because the police have been unable to handle the situation, it follows that the military commander should have the final voice in all matters of this sort; but if he is wise he will use his power with tact and make the police helpful allies rather than disgruntled onlookers.

149. One part of police activity which the troops will almost certainly have to carry out to a greater or less extent is the making of arrests. On this subject clear instructions should be given by the commanding officer to his entire command. The

Digitized by Google

common tendency of troops on riot duty is to make arrests somewhat indiscriminately and with little regard to the legal consequences. Of course, if martial law has been proclaimed the situation is altered, but ordinarily, when the troops are acting in aid of the civil authorities, a soldier making an arrest is in exactly the position of a peace officer, and his prisoner will be dealt with by the courts in the usual way. The legal aspect of arrests will be discussed along with the other legal phases of riot duty. From the administrative standpoint the essentials are: First, that every officer and enlisted man should be clearly instructed as to the legal grounds for making an arrest and the legal machinery which an arrest once made necessarily sets in motion; second, that clear instructions should be issued to the effect that arrests must not be made unless it is manifestly necessary. Arrests should, of course, always be made whenever possible in cases of actual violence; there should be no delay in capturing any man seen to throw a stone, display a firearm or other dangerous weapon, or damage property. On the other hand, it is most undesirable to make arrests for mere stubbornness or slowness in obeying orders, if the desired result can be obtained by simpler means. It is needless to say that every order, once given, must be absolutely enforced; but a combination of tact, coolness, and determination will render many an arrest unnecessary. At times, however, an arrest is exceedingly desirable, either to remove a persistent trouble maker from the scene or simply for its effect on the onlookers. An arrest, if ordered, should be made at once; the more rapidly the order is

Digitized by Google

executed the greater will be the effect on those who witness it. The prisoner should be at once conveyed away from the scene and promptly turned over to the civil authorities. Prisoners are a nuisance to all concerned, and a few judicious arrests, with the misdemeanor or felony clear in every case, are immensely preferable to the large number of indiscriminate arrests which often result from injudicious attempts to assert authority.

150. It is unfortunately often the case that soldiers on duty in cities and towns invite needless trouble by adopting a bullying attitude toward civilians. The average citizen knows nothing of military customs or regulations and is inclined to resent what he considers to be unwarranted interference with his personal freedom of action. The general attitude of the community toward the troops is of the utmost importance and it will be determined largely by the individual bearing of the men. The commanding officer should, therefore, from the outset insist on all the courtesy and consideration toward civilians which is compatible with firmness and the proper execution of orders, and should make it perfectly clear that he will not tolerate any bullying. The head of the police force in one of our great cities once issued an order that every patrolman must alter the phrase "Move on" to "Please move on," and the effect was extraordinary. Courtesy is never a sign of weakness when properly applied; a soldier's courtesy toward civilians does not in the least prevent him from knocking down a disorderly tough who refuses to obey an order. It is particularly important that the attitude of the military toward all civil officials

Digitized by Google

should be uniformly considerate; they can sometimes be unbelievably exasperating, but it is a bad plan to tell them so. The responsibility for all this rests squarely on the shoulders of the commanding officer, and it is his duty to see that not a single one of his men is so excited by the sense of temporary power as to forget that the military is, in the United States, fundamentally subordinate to the civil authority.

151. It is likewise the duty of the commanding officer to see that the personal conduct of every officer and enlisted man while on duty is above reproach. There is an illuminating story told by Col. Bargar of an officer in command of troops on riot duty who, worn out by many hours of constant strain, went into a saloon for a drink. Shortly thereafter his men were attacked; he gave the order to fire, and a few members of the mob were killed. Subsequently the officer was indicted for manslaughter, the charge being made that he had given the order to fire when drunk. For six weeks he stood trial, and after he was acquitted he was made defendant in damage suits aggregating from seventy to eighty thousand dollars. That one drink nearly wrecked his entire life. It goes without saying that all officers and enlisted men must be absolutely forbidden to drink liquor while on duty or to have liquor in their possession. They must remember that their every act is subject to the bitterest criticism; that they must guard against the slightest appearance of accepting or granting favors or of wreaking personal grudges; and that a breach of discipline or of propriety which in itself may seem trivial may have the most disastrous consequences.

Digitized by Google

Throughout the entire tour of duty this matter should receive the constant attention of all officers and noncommissioned officers, and should at the outset be made the subject of brief but vigorous orders, so worded as not only to be clear to the troops themselves but also to show the civilian population that it is justified in having full confidence in the proper conduct of the soldiers.

152. The maintenance of an attitude of strict impartiality is particularly difficult and necessary in any industrial disturbance. The single function of the military in such a situation is to maintain peace and order, which means the protection of property and life. Since the property particularly exposed to attack belongs to one of the parties to the controversy, the other side—the strikers—will naturally assume that the troops are acting solely on behalf of the property owners. Every possible measure should be taken to demonstrate that this is not the case, and that the troops are working for the best interests of all law-abiding citizens. They should take pains to assist the strikers in anything that is entirely legitimate for them to do, and in case there is a hostile or strike-breaking faction inclined to violence and lawlessness, as is frequently the case, the troops should show their entire impartiality by affording full protection to the striking element. Under no circumstances should the military permit itself to be placed under obligations to either party in an industrial dispute; even the appearance of obligation hampers its independence of action. When a strike is in progress the commanding officer should

Digitized by Google

promptly take measures to confer with the leaders of the strike and try to secure their actual cooperation by showing them that the function of the troops is such that no one who respects and is willing to abide by the laws can logically oppose them. If they can be made to realize that violence and lawlessness are bound in the end to ruin their own cause, they are quite likely to recognize, as is indisputably the fact, that the troops are their best friends. At the same time the commanding officer should take the opportunity to explain to them fully and firmly what activities will be permitted and what forbidden. He should explain such regulations as have been determined on regarding meetings and demonstrations, crowds on the streets, and so on, and he should particularly make clear the situation with regard to picketing, which is the most prolific source of trouble in nearly all strikes which reach the violent stage. The law permits peaceful picketing, and it is not illegal to shout "Scab!" at a nonstriking workman; but if picketing has precipitated or is clearly on the point of precipitating a riot, it becomes a breach of the peace. In such a case it is generally enough to use the "Move-on" order and insist that the pickets keep moving so as not to obstruct traffic. All these things should be made perfectly clear to the strike leaders at the outset in a manner which will at least tend to convince them that the troops have no intention of taking sides in the controversy.

153. One administrative problem which formerly was acutely serious, but which now has ceased to make trouble, concerns the closing of saloons. It is still necessary, however, to keep a

Digitized by Google

close watch for places where liquor is sold, and the proprietors of such places should be dealt with in summary fashion. It is often advisable for the military commander to conduct investigations of the sale of liquor independently of the police, for the mysterious "protection" which some proprietors appear to enjoy will often block an investigation in which the civil authorities have a hand.

154. Frequent attempts have been made to deprive mobs of firearms in advance by issuing orders directing all residents within the area affected to turn in all firearms to the military or civil authorities. In practice this has seldom worked well, for the reason that those who scrupulously obey the order are only the citizens who could safely be left with firearms in their possession; the dangerous men pay no attention to it. Such an order does, of course, make it possible to increase the penalty for having weapons in one's possession, but the ordinary law regarding concealed weapons is generally sufficient for practical purposes. Sometimes, when firearms are known or believed to have been collected in certain localities for illegal purposes, an order of the type suggested is useful to precede and legalize the seizure of such arms. In any case, the carrying of firearms in time of actual or threatened disorder should be dealt with just as severely as the law permits. Shops which sell firearms should be closely watched, both to prevent their disposing of weapons to undesirable persons and to safeguard against their being looted; in time of acute danger it may be desirable to call in all such stocks of firearms and ammunition. Pawnshops,

Digitized by Google

of course, often do an extensive business in weapons of all sorts, and hence need careful supervision. It is well also to watch for advertisements in the newspapers offering to buy firearms, for sometimes attempts are made to accumulate stocks thereof in this way. It is of the utmost importance that all stocks of explosives should be put and kept out of the reach of any possible mob. Such stocks should be promptly located by the intelligence service, acting in conjunction with the police, and measures promptly taken for an adequate guard. In general, with regard to both firearms and explosives, little can be done to deprive trouble makers of equipment which was in their possession before the troops came on the scene; but the greatest danger is from the sudden distribution of arms or explosives after disorder has started, and the military commander ought to be able to prevent this by a reasonable degree of thoroughness and foresight.

155. As regards the administrative relations of the military to the civil authorities, these will of necessity be largely determined by the special conditions in each case. The position of Federal troops on such service is very much simpler than that of State troops, for the reason that they are seldom subject to interference from nonmilitary sources. Even though martial law may not have been proclaimed, the Federal military commander is essentially in full charge of the situation, for it is specifically provided by law that Federal troops may not receive orders or instructions from State or local civil authorities. For State troops the relations are more complex and often very

Digitized by Google

troublesome. The dual capacity, civil and military, of the governor may itself be a source of difficulty, for his orders to the State troops and his instructions to the civil officials may easily involve conflicts. The only safeguard for the military commander is to have his orders and instructions clearly before him in writing. The verbal order is a prolific source of trouble; if every officer, from the commander down, has written instructions covering what he is to do, he is not likely to get into serious difficulties unless he clearly oversteps the limits of his duty. The receipt of all written orders should be promptly reported, likewise in writing, and officers issuing such orders should insist that this be uniformly and unfailingly done.

156. As a part of the administrative work, and particularly for protection in case of any conflict between the military and civil authorities, or of any action subsequently brought against the military, full written records of each tour of duty should be kept. For this purpose stenographers should be constantly on duty at headquarters, and at all semipermanent field stations. They should not only reduce to writing all orders, instructions, and reports, but should take shorthand notes of all important conversations. This is of particular value in connection with instructions from the civil authorities. It is generally hard to get written orders or requests from them, but they will often sign stenographic reports of their verbal instructions. For example, a mayor or sheriff tells the commanding officer that groups must not under any circumstances be permitted to form near a certain building.

Digitized by Google

In the enforcement of this order it is quite possible that somebody may be killed, in which case it is of the utmost importance that the commanding officer should be able to show from whom he received the order and precisely what it was. If he has a stenographic report of the conversation, duly initialed by the mayor or sheriff, his authority is beyond question; if he has nothing in writing, the justification for his action depends on the recollection of a verbal statement, concerning which he and the civil authority may disagree in perfectly good faith. It goes without saying that all routine paper work, such as orders, rosters, morning reports, sick reports, etc., should be scrupulously kept up; it is impossible to foretell when or how they may be needed. At the close of the tour, the commanding officer should prepare and submit to the authority from which the order to duty emanated—the governor in the case of State troops—a detailed report based on the stenographic daily records. The more complete and detailed this report is made the better, for it may subsequently have to solve very serious problems. It should, in particular, cover every phase of the relations between the military and the civil, with full statements of all instructions or requests received and of acts pursuant thereto. It should account fully for all casualties, both among the troops themselves and any resulting from their acts, and should explain all arrests made by the military, with a full statement of the disposition made of the prisoners. The usual features of a military report should, of course, be included, but special at-

Digitized by Google

tention should be paid to anything which affects the relation between the troops and the civil population, either official or unofficial.

157. In any tour of protective duty for State troops, there is one fundamental administrative, and also tactical, point which is likely to lead to difficulties: the question of the number of troops to be used. While the decision rests ultimately with the governor, his action will, as a rule, be guided to a considerable degree by the recommendations of the military commander on the spot. The latter generally wants all the men he can get; his work is made much easier if he never has to worry about scarcity of available troops. On the other hand, he does not have to pay the troops, or to face a subsequent session of the State legislature to explain why the pay roll was so large. He is not concerned with possible outbreaks of disorder elsewhere in the State, which may render it desirable to hold many units in reserve. In general, it has proved to be poor economy to attempt to save on the number of men used, particularly at the outset; the common tendency to send troops in in driblets has been responsible for many a disaster. Handling a riot, actual or threatened, in a large city demands a strong force, because the troops must work 24 hours a day for days and perhaps weeks at a time, patrolling an extensive territory and ready at any moment to meet an attack from rioters who, having no defensive cares whatsoever, have been able to mass their full forces at the chosen time.

183345°—20——11

Digitized by Google

158. A minor, but frequent and annoying, administrative difficulty for State troops is the tendency of staff officers connected with the State adjutant general's office to attempt to usurp the functions of line officers, and to exercise a command to which they are in no way entitled. It can not be too strongly insisted on that, if success is to be attained, the commanding officer of any unit, whether it be a brigade or a squad, must be left free to carry out his orders without interference. Staff officers, whether of the adjutant general's office or otherwise attached, have important work to do; but if they try to supersede line officers in the exercise of their proper commands they are bound to make trouble, and the result may easily be a confusion of authority resulting in disaster.

159. The National Guard officer who suddenly finds himself in command of troops ordered out on the service of military protection has an exceptionally difficult administrative problem to solve in simply taking adequate care of his men. The conditions are often most unfavorable; satisfactory quarters are frequently hard to secure; rations are at first difficult to handle; the men themselves are excited and nervous, taken, as they are, from their homes and civil employment with little or no warning and not much experience of active duty to steady them. The maintenance of morale is the first duty of the officers, and in any force of civilian-soldiers the morale of the enlisted men depends largely on the degree of confidence they have in the fact that their officers will take good care of them. Men will endure almost any amount of hardship and fatigue and face

Digitized by Google

practically any danger with courage and good humor if they know that their officers are doing the best they can for them. The civilian-soldier does not require the slightest relaxation of military discipline, which must be insisted on with unfailing strictness; but it must be remembered that the National Guardsman can not always drop all his civilian traits and activities in a moment. Sometimes a pass permitting a man to visit his office for an hour or so or to go to his home, particularly if he has left sickness there, will make an eager, willing soldier out of a depressed and listless one. Important as it is to keep the telephone lines clear for military messages, it is often desirable to designate hours within which the enlisted men may call up their homes or their business associates. An officer who neglects the welfare of his men through carelessness or oversight is seriously culpable; there have been far too many instances, when State troops were on emergency duty, of sentries forgotten and left to walk post for hours or of men accidentally told off day after day for kitchen police duty. Each officer is responsible 24 hours a day for the welfare of the men under him. He must keep the discipline strict, military, and impartial; but if his men are civilians suddenly turned soldiers, he must use all the tact and discretion he possesses to keep up their morale by giving them such reasonable privileges and opportunities as will prevent them from worrying about their families and their business affairs without impairing the efficiency of the command or the firmness of discipline.

Digitized by Google

160. It ought to be needless to emphasize the responsibility of every officer for the health of the men under his command. State troops, often called into service with no opportunity for the preliminary hardening of a camp, demand particular care in this respect; frequent personal inspections and the constant cooperation of the noncommissioned officers are necessary to enable an officer to make sure that all his men are physically fit for duty. It is frequently hard to make civilian soldiers understand the necessity for promptly reporting the fact when they feel sick; the younger men in particular too often regard it as a confession of weakness, and there have been many deaths in the National Guard directly attributable to disregard of sick call. Each unit commander should do his utmost to make his men understand that a soldier who fails to report his own illness is not only risking his own life but that of his comrades. Inspections, when possible, should be made by a medical officer, but there are many things over which any unit commander is wholly qualified to watch. This applies, above all, to the condition of the men's feet, which should be inspected frequently and with the utmost care. In everything relating to the men's physical condition the noncommissioned officers can be of almost limitless value; an energetic corporal is the best cure for constipation ever devised. Back of the daily work of the officers and noncommissioned officers must always be an adequate medical and hospital service. Within city limits hospital facilities are almost always readily available, but these should be supplemented by dispensaries and first-aid stations

Digitized by Google

wherever troops are quartered. If a mob is attacked in city streets, the nearest drug store should be converted into a field dressing station by the sanitary troops while the attack is in progress. Everything that can possibly be foreseen should be provided for in advance; the Red Cross can almost always render very valuable aid, and its cooperation should be promptly invited for the care of sick, injured, or wounded men.

161. An unfortunate feature of National Guard service is that in most States there is no special legal provision for immediate compensation on account of soldiers killed, injured, or sick while in service. As a rule, such men have to await the slow progress of a special bill through the State legislature, which may not convene for a year or more after the injury or sickness. It is greatly to be hoped that the several States will follow the example of the Federal Government in providing some form of special insurance to take care of such cases; but in the meantime they add not a little to the administrative burdens of the officers. Each case of sickness, injury, or death caused, or said to have been caused, in line of duty should be promptly and thoroughly investigated, and an official report, with the surgeon's certificate attached, should be forwarded through channels to the proper authority. In many cases the need for financial assistance is urgent; men incapacitated by sickness or injury incurred in line of duty are unable to earn their living or to pay their hospital or doctors' bills on returning to civil life. Some National Guard units maintain an emergency fund to take care of such cases temporarily, and some even

Digitized by Google

have worked out a regular mutual insurance plan. It is emphatically the duty of each unit commander to make provision in advance for contingencies of this sort, not only because of his obligation to care for the welfare of his men, but because the morale of his command will be markedly better if every man knows that he will be adequately looked out for if a tour of duty results in sickness or injury.

162. Akin to this problem is the vexing one which all National Guard unit commanders have had to face: the problem caused by employers who refuse to take back men ordered out for prolonged tours of duty or who subject them to serious financial loss. Some States have laws making it illegal for any employer to prevent his employees from responding to a call for military duty; but even these laws do not insure their getting their jobs back. A certain amount of hardship is, of course, inevitable; but it is the clear duty of all officers of State forces to do their utmost to reduce this hardship to the minimum. As a rule, the heads of corporations and firms are glad to cooperate, and local civil authorities or civic bodies can often assist by making the situation clear to those employers who raise undue difficulties. Often a National Guardsman is discharged or his pay stopped by some foreman or minor superintendent without the knowledge of the heads of the concern, who will gladly set matters straight if their attention is called to the facts. There is, of course, need for caution in all this; too often irresponsible or dishonest employees, who were on the point of losing their positions anyway, seek reinstatement through pressure brought to

Digitized by Google

bear on account of their military service. In general, however, satisfactory arrangements can be made if the officers will take sufficient trouble, as it is manifestly their duty to do. A good working arrangement is for firms to pay their employees while on active duty the difference between their regular wages and their pay as soldiers. The situation bears hardest on the man working for himself, whose income is solely dependent on his efforts from day to day. Such a man should have the conditions clearly explained to him before he is accepted for enlistment.

163. The paying of State troops is often seriously delayed through entirely unnecessary carelessness or neglect on the part of the officers, with a resulting loss of morale, and, in some cases, actual hardship. It must always be remembered that in any tour of duty most of the civilian soldiers are sacrificing, at least temporarily, wages far in excess of their pay, and that the very minimum they have a right to expect is that such pay as they get should reach them promptly. Every National Guard unit should have plenty of blank pay rolls always on hand, with clerks thoroughly instructed in the method of preparing them. At the close of any tour of duty these pay rolls should be ready for the men's signatures—assuming that the State law requires individual signatures in advance of payment—before they are dismissed and should be forwarded without delay. When a pay roll is held up for days or even weeks waiting for the last straggler's signature, a grave injustice is done to the men who signed at the proper time. In this connection it is worth while

Digitized by Google

to call attention to the necessity, sometimes overlooked, for seeing that all men on duty are properly commissioned or enlisted. Too often a State pay roll reaches the disbursing officer bearing names of which there is no other record. When the call for active service comes there is likely to be a considerable flock of volunteers who want to share in the excitement and would be glad to receive pay, but who neglect the formality of enlistment. It is only by scrupulous attention to these administrative details that the morale of any civilian-soldier unit can be maintained at the proper level.

164. The quartering of troops on military protective duty will be largely determined by local conditions and by the anticipated length of the tour. Tents are often preferable to buildings of any kind if the unit is large and weather and geographical conditions are favorable. Under canvas the men are kept together and are easy to control, and the effect of a camp on the public is considerable. If tents are used, a large mess tent, or a conveniently located building for use as a mess hall, will prove most serviceable. If for any reason tents can not readily be used, troops may be quartered in public buildings or in large warehouses, halls, car barns, etc. Every effort should be made to avoid scattering the troops in small houses; they can not legally, of course, be billeted in private houses without the free consent of the occupants, and they should never be so billeted anyway if it can possibly be avoided. In selecting large buildings for use as temporary barracks the strategic location with special reference to the possibilities for defense

Digitized by Google

is of the first importance; the sanitary arrangements and the facilities for messing must also be very carefully considered. The preliminary inspection, in which the commanding officer should be accompanied by a medical officer, should note, among other things, the space available for cots, ventilation, toilet facilities, general cleanliness, danger of fire, facilities for cooking and messing, drinking-water facilities, heating apparatus, fuel supply, telephone connections, accommodation under cover for trucks and motor cars. The sanitary troops should be so trained and equipped as to be able promptly and thoroughly to put an ordinary public building in shape for use as barracks. Once the building has been taken over for military purposes the usual routine of camp or barracks should be promptly established and strictly maintained.

165. It is to be assumed that all State troops on active duty will live in the quarters assigned, and will under no circumstances be permitted to eat or sleep at their homes. Nevertheless, as has already been pointed out, it is frequently desirable to permit men to visit their homes or offices for short periods during the tour of duty. Such men should get from and to their quarters with the minimum of delay and danger. Public conveyances, such as street cars, can, of course, be used, but it is the duty of each unit commander to see that his men run no needless risks by appearing alone in public. A man going home alone at night during a period of disorder invites attack. So far as possible, men on pass should be conveyed in groups in

Digitized by Google

motor cars. Neglect in this matter may easily result in serious and entirely avoidable casualties.

166. The provision of subsistence for State troops on emergency service generally follows the normal military routine after the first few days, but at the beginning of a tour of duty there is likely to be a certain amount of trouble. It is manifestly of the first importance that the men be fed, and until the regular machinery of the quartermaster's department has begun to run smoothly each unit commander is necessarily thrown more or less on his own resources. He will often have to buy what food he can, and where he can, giving receipts for it in the name of the State. His task will be much simplified if the written orders emanating from the governor, and transmitted through channels to each unit commander, include some such clause as this: "The commanding officer is hereby empowered and authorized to purchase supplies and to incur other necessary expenses on account of the State of ———." With adequate preparation in advance, each unit commander should be able without much difficulty to procure subsistence for his command for a few days, or until the prescribed routine of ration returns and issues from the quartermaster's stores can be fully carried out. Requisitions on civilians should be absolutely avoided whenever possible; all food supplies should be bought as a commercial transaction, with receipts given which are actually worth their face value.

167. Much of the burden of administrative work in any tour of military protective duty necessarily falls on the command-

Digitized by Google

ing officer, for, while he may and should delegate as much as possible of the detail work, he can not shift the responsibility. It is, therefore, of the utmost importance, for both administrative and tactical reasons, that the commanding officer should at all times be where he can be reached, and that his precise location should be exactly known by everyone concerned. Every officer and enlisted man should know, from the very outset, exactly where the headquarters of the command are located; and if the commanding officer is temporarily absent from headquarters there should always be somebody there who knows exactly where and when he can be reached. The wise commanding officer will intrust the routine of most of the administrative work to competent subordinates, but in his relations to both the civil population and his own men there are constantly decisions which have to be made and which no one but he can make. The success of his administrative work will depend largely on the faithfulness with which he sticks to his task.

Digitized by Google

VIII. LEGAL.

168. It is not desirable to attempt within the limits of the present manual any detaitled study of the complex legal aspects of military protective service and riot duty; but it is essential that an outline of certain of the outstanding features be given. Anyone desiring to study the subject more fully is referred to Col. Byron L. Bargar's "Law and Customs of Riot Duty" and to Maj. W. E. Birkhimer's "Military Government and Martial Law." It is to be assumed that, in all questions involving legal technicalities, military officers will have the assistance of experienced legal advisors, and for this reason the following summary is confined almost wholly to matters which it may be necessary for any officer at any time to know, and on which far-reaching decisions may have to be based without any opportunity for legal consultation.

169. Three types of law have to be considered in connection with the service of military protection: statute law, military law, and martial law. The great body of laws by which society is regulated in normal times does not by any means disappear in periods of riot; most of it remains in full effect, and unless martial law has been proclaimed, it continues to govern the relations between the military and the civil just as it governs the relations among civilians. Military law is that body of

Digitized by Google

special laws which apply only to troops and to certain specified and very limited classes of civilians attached thereto. Martial law has been defined by the United States Supreme Court as "the law of military necessity in the actual presence of war. It is administered by the general of the army, and is, in fact, his will. Of necessity it is arbitrary, but must, in fact, be obeyed." Troops on riot duty are always operating under two sets of laws: military law regulating their internal economy, defining military offenses and providing the machinery of courts-martial, and either statute law or martial law, governing their relations with the civilian population. As a matter of fact, that form of control known as "qualified martial law" has become so generally the rule in periods of local disorder that the operation of troops in such cases is commonly under all three types of law at once.

170. There is relatively little that needs to be said regarding the application of military law to the special problems of military protection. The Manual for Courts-Martial supplies all the needed information, except in one respect: in many States the military code differs in details from the Federal code. For all State troops this point is important, and the provisions of the State code should be carefully studied by all officers in State service, and elucidated, if need be, by competent legal advice. Of late the tendency has been to bring all the State codes closely in line with the regulations applicable to the Federal Army, and the variations, otherwise than as covered in Appendix II to the Manual for Courts-Martial, are mostly trifling. Outside

Digitized by Google

of this, there is one caution which experience has shown to be desirable: officers must at all times be exceedingly careful to remember Article of War 2, which specifically limits the classes of persons to whom military law is applicable. It has been generally held, and many States cover the point by definite statutes, that State troops not in Federal service are likewise amenable to military law. There is a common, and totally unjustifiable, effort under the stress of excitement to extend military law to persons over whom it has no jurisdiction: in other words, to try civilians (outside of the classes enumerated in Article of War 2) by court-martial. Officers should likewise keep in mind the provisions of Article of War 92 which prohibit the trial by court-martial of any person for murder or rape within the geographical limits of the United States in time of peace.

171. The question of martial law is infinitely more complex. There has been a vast amount of legal discussion as to whether martial law can, in fact, properly be proclaimed in time of peace, and as to the right of various authorities, executive or legislative, to proclaim it; but these questions do not, as a rule, directly concern the military officer. It is enough for him to know that the courts have upheld the right of the President within the Nation, or of the governor within the State, to proclaim martial law. No subordinate official can do so on his own initiative, and no military officer can have this authority under any circumstances, for the reason that even martial law must find its basis in the civil, not the military,

Digitized by Google

power. Its proclamation is a function of the civil executive authority; whether the legislative branch of the Government has a similar prerogative is a moot point which need not greatly trouble the military, as in any case the order will of necessity be issued through executive channels.

172. Although the proclamation of martial law is in no sense a military function, the executive is likely in any specific case to seek the advice of the military commander; it is, therefore, essential that any officer who may find himself called upon to give his opinion as to the wisdom of proclaiming martial law, and to administer it if it is proclaimed, should know clearly what it involves. Two diametrically opposed views have been expressed as to the desirability of martial law in time of domestic disturbance. One is that troops should never be ordered out unless martial law is immediately declared; the other is that martial law should be avoided if it can possibly be done. The argument in favor of martial law has thus been set forth by Brig. Gen. E. A. Wedgwood: "I am firmly convinced that the law of every State should provide that the militia should not be called out until such time as, in the opinion of the governor, it is necessary and proper to declare martial law within the district in which the troops are to serve, and that martial law should be declared the instant the troops go on duty. Any military organization on duty implies the use of force to the point of death if necessary, and it should never be brought upon the scene until the necessity to use that force is imminent. The shifting of responsibility by the civil authorities

Digitized by Google

to the military authorities, and at that time giving to the military authorities no power or authority or justification for anything more than a parade in uniform and the doing of ordinary police duty is nothing but a farce and not to the benefit of the public or the credit of civil or military authorities." The argument on the other side is simply that the proclamation of martial law entails a vast amount of additional and unnecessary dislocation of normal procedure, that it is exceedingly dangerous in its possible reactions upon the troops themselves, and that under most circumstances the military can function equally well without it.

173. The weight of practical experience is distinctly against the proclamation of martial law, except (*a*) when the territory affected by the disturbance includes several towns or counties which it is important to administer through a strong central authority, or (*b*) when the civil authorities in the disturbed district are actually in opposition to the higher authority or are so utterly incompetent that their continued presence is a menace to law and order. Martial law has frequently been proclaimed to cover one or the other of these conditions; but when the disturbance is localized or can be handled more or less independently in several localities, and when the civil authorities are doing the best they can to cooperate with the military, martial law has usually been found unnecessary. If the machinery of civil government has actually been destroyed, martial law is, of course, essential, but this is a remote contingency. It must be remembered that the moment martial law

Digitized by Google

has been proclaimed all civil authority within the district ceases to function; if certain civil officials are retained in office to perform their customary duties, they derive their authority solely from the order of the military commander. In effect, a state of war exists on a small scale, and the relations between the military and the civilian population are governed by the Rules of Land Warfare. The troops thereby assume an enormous burden of administrative work, and the officers necessarily find themselves obliged to take over civil functions of which they know little. The return to normal conditions is rendered doubly difficult, and the troops are seriously handicapped by the difficulty of letting go the tasks they have undertaken. This defeats what should be the first object of the military: to reinstate the civil authority in full and secure control of the situation with the least possible delay and then to get out of the way. The substitution of a military for a civil administration is at best an evil, and experience has shown that the occasions when it is unavoidable are relatively few.

174. If martial law is proclaimed, the first care of the officer placed in command should be to secure a thoroughly competent legal advisor. It is true that martial law is, in effect, simply the will of the military commander; but it is equally true that as soon as martial law ceases he can be called to account for his actions through the usual legal machinery. "The safeguards against martial law are not found in the denial of its protection but in the amenability of the President to impeach-

Digitized by Google

ment; of military officers to the civil and criminal laws and to military law; in the frequent change of public officers, the dependence of the Army upon the pleasure of Congress, and the good sense of the troops." (Birkhimer, p. 389.) A striking example is cited by Birkhimer in connection with martial law in New Orleans in 1814–15: "While martial law was being exercised on this occasion, a civilian, Louis Louaillier, published a newspaper article in the city reflecting upon and protesting against some of the acts of the commanding general. He was promptly arrested. Federal Judge Hall issued a writ of habeas corpus to release him. The judge was then arrested, kept in custody a few days, and then sent beyond the military lines. Upon the restoration of civil jurisdiction, the judge fined the general one thousand dollars for contempt, which was paid at once. The money, with interest, was afterwards returned to him by Congress." (Birkhimer, p. 426.) Any military officer who attempts to administer martial law without the constant advice of a trained lawyer is exposing himself to needless and serious risks, and he should never permit himself to be misled by the seemingly limitless extent of his momentary authority.

175. The order proclaiming martial law will normally emanate from either the President or the governor of the State, and the military commander should see that it is immediately published as widely and conspicuously as possible throughout the district affected. He should also promptly cause to be widely published an order of his own, assuming command and setting forth such basic regulations for the civilian population as he in-

Digitized by Google

tends to enforce. If he plans to continue certain civil officials in office for the discharge of their usual duties, the order should so state. As a rule the territory made subject to martial law will be organized as a military district, and the geographical limits of this district should be clearly stated, so that there may be no uncertainty as to where martial law ends and civil control begins. There should, of course, be no military district organized unless martial law has been established, as any military district includes the entire civilian population, over which without martial law the military commander has no direct legal authority. In his capacity as commander of the military district the commanding officer will from time to time issue such orders and regulations affecting the civil population as he sees fit; but he must remember that he can not make laws, that his regulations should be as few and as simple as possible, and that they should be so designed as to do the least possible violence to previously existing laws, regulations, and customs. It should be his object to bring the period of martial law to an end as soon as safety permits, and to leave behind him the minimum of confusion occasioned by regulations out of keeping with the usual course of civil administration. The end, like the beginning, of martial law should be proclaimed by the final executive authority, and the proclamation should indicate the precise hour at which control is transferred from the military to the civil.

176. The amount of administrative work the military commander will have to assume under martial law will depend

Digitized by Google

almost entirely on the willingness and ability of the local civil authorities to continue in the performance of their usual functions under his direction. His main trouble is likely to be with the courts, for under martial law a breakdown of the ordinary legal machinery is almost inevitable. For this reason, it is desirable that the authority proclaiming martial law should likewise, in the same order, specifically confer on the military commander the power to appoint military commissions to deal with cases which can not be tried by courts-martial or by the proper civil tribunals. The court-martial has no wider jurisdiction under martial law than at any other time, and if military commissions are not appointed the commanding officer may find his hands virtually tied. If properly appointed, the decisions of military commissions are as binding as those of any other court. Provost courts may also be appointed to perform the ordinary functions of police courts. Even though the ordinary tribunals may continue to operate, by direction and on the authority of the military commander, it is often desirable for the military to have the necessary machinery for handling criminal cases, for the reason that by far the most important part of the troops' work in the service of military protection is the prevenion of crime. If the commanding officer can largely confine his administrative activities to this part of the work and leave the civil authorities in charge of most of the remaining local duties, his task ought not to be unduly difficult.

177. As has been said, the actual proclamation of martial law in periods of domestic disturbance has been by no means com-

Digitized by Google

mon, and seems likely to become even less so; for this reason no attempt is here made to enter into detail regarding the complex legal problems which martial law involves, and the student is referred to Maj. Birkhimer's exhaustive treatise, already mentioned. What actually happens nine times out of ten is a compromise which the courts have definitely recognized as "qualified martial law." This was defined by the court in the famous Pennsylvania case of Commonwealth *v.* Shortall, as "martial law put in force only as to the preservation of the public peace and order, not for the ascertainment or vindication of private rights, or the other ordinary functions of government." Qualified martial law exists in fact whenever the military commander issues orders or takes action affecting civilians independent of the civil authorities; in other words, it exists unless the civil officials are actually in command of the troops, in which case they become mere special police. It involves an obviously delicate situation, with two very different kinds of law operating side by side, but it is the method which common sense has generally dictated as the best way for regulating the relations between the civil and the military in periods of disorder. As a rule the troops, whether Federal or State, are ordered "to assist" such and such civil authorities in the preservation of peace, and this assistance is usually rendered through some form of agreement which amounts in effect to qualified martial law.

178. The essential feature of qualified martial law is that the general structure of civil administration is left intact, but that

Digitized by Google

certain functions of it are definitely transferred to the military. This should be done by the proper civil authorities in the form of a written request to the military commander. The functions thus transferred may be extensive or very limited; in any case the military commander should insist on having written information as to just what powers the civil administration wishes him to assume. Within the limits thus set his authority must be as absolute as under martial law proper. If, for example, he is requested to assume charge of the police protection of the city, town, or district, he will be at liberty to issue any orders which would come within the legal powers of the head of a police force. On the other hand, the civil authorities will retain most of their administrative functions, not, as under martial law, simply by permission and direction of the military commander, but by the normal right of office, and in the exercise of these functions the military will not interfere with them.

179. Under qualified, as under full, martial law, the commanding officer is in constant need of competent legal advice. The civil and criminal laws are by no means superseded, and the troops must act in accordance with them; and yet, within the limited province assigned to him, the will of the commanding officer practically controls. Within that field, once it has been clearly defined to him in writing, he should tolerate no interference; it is for this reason that the written request is of such importance. At the same time, he must exercise constant tact in his relations with the civil authorities, who are likely to be rendered more or less irrational through strain and ex-

Digitized by Google

citement, but who, unless proved otherwise, deserve full credit for trying to do the best they can. As a general rule, they should continue to handle all purely administrative affairs, and leave to the military commander the tactical control of the situation. In case of conflict, the issue should be promptly referred direct to the Executive authority—the President or the governor—who combines in his single person the dual functions of civil magistrate and military commander. This should also be done in case of two civil authorities with overlapping jurisdiction, as a mayor of a city and the sheriff of the county in which the city is located, disagree in such a way as to interfere with the action of the troops. The military commander should never permit himself to be drawn into such an altercation, as he has absolutely no authority to settle it unless martial law is actually declared. Every possible effort should be made to keep the functions of the civil administration and the military clear and distinct; the troops should not interfere beyond the express limits of their instructions, and, conversely, the general instructions having been given, the civil authorities should scrupulously keep hands off as to the manner of execution. Above all, the military commander should keep himself and his men absolutely clear of all political entanglements, which are sure to make complications for the civil administration. If everyone is acting in good faith, and the commanding officer can secure from the civil authority to whose aid he has been sent a clear and specific written statement showing just what field his power is to cover, qualified martial law will pro-

Digitized by Google

vide all the advantages in the matter of freedom of military action which are inherent in martial law proper, and at the same time will relieve the military of an onerous and generally needless burden.

180. When Federal troops are ordered for protective duty a State of at least qualified martial law automatically exists, for the reason that Federal troops can not receive orders from local civil authorities. Unfortunately this is not always true for State troops, who have frequently been ordered to report to some minor civil authority, such as a sheriff or a mayor, and to place themselves under his command. This is a most undesirable situation, for the governor is the only State official who, by virtue of his office, is qualified to exercise at the same time civil authority and military command. When a military commander is placed under the orders of a sheriff or mayor, he becomes nothing more than a special peace officer. If, on the other hand, his orders simply direct him to go to a specified place and there take such action as may be necessary for the effective assistance of the sheriff (or mayor) in maintaining (or restoring) order, his position as a military officer, receiving orders only from his military superiors, is secure, and his actions in pusuance of such an order automatically create a condition of qualified martial law. The fact that the military is and must remain subordinate to the civil authority does not in the least mean that it is desirable for any and all civil officials to give orders to the troops; they should not, in fact, give such orders at all, but should simply make requests; the orders

Digitized by Google

should always emanate solely from military superiors, and eventually from the authority which is at once civil and military. To this authority both the civil and the military can always appeal at need, and the military commander should promptly do so if he can not secure written instructions from the civil officials he has been sent to help.

181. In a few States the situation is still further complicated by laws authorizing certain officials besides the governor to call out the State troops. Such laws, once common, are fast disappearing; New York, which was long the outstanding example, repealed in 1916 the legislation whereby sheriffs, mayors, and certain judges were empowered to order out State troops for emergency duty. The difficulties created by laws of this kind are obvious; not only are the troops made directly and completely subservient to an official with no military authority whatsoever but the whole question of their pay and subsistence is left in doubt until the governor either indorses or repudiates the action of the local official. The only excuse for such a system is the possible avoidance of delay in cases of extreme urgency; but there are methods for getting around this difficulty without placing the troops in the awkward position of accepting the command of a nonmilitary official whose actions may not be indorsed by the higher authority.

182. This leads to the very difficult question of what a commanding officer should do in the absence of orders from competent authority. It is in just such tests of sound judgment and willingness to assume responsibility that the efficient

Digitized by Google

officer proves his worth. On the one hand, he runs a manifest risk of exceeding his authority, and perhaps getting himself and his command into serious trouble, if he acts before he has received any orders to do so; on the other, he is certainly culpable if disaster results from his hesitation to act promptly. Often every hour at the beginning of a disturbance is of the utmost importance, and a commanding officer who sits in idleness with his troops while property is being destroyed and lives lost, simply because he does not dare to act until he has official sanction, is directly to blame for the loss and damage which by prompt action he could have prevented. Such occasions demand cool judgment, based on a clear understanding of the immediate facts, and no general rule of conduct can be laid down. If a commanding officer decides to act on his own initiative it should be only because the competent higher authority can not immediately be reached; prompt and thorough steps should be taken to get the required authority at the earliest possible moment. Furthermore, there should be clear documentary evidence of the urgency of the situation, preferably in the form of a letter from the sheriff, mayor, or other local official, stating (*a*) the cause of the application for military aid, (*b*) the necessity for immediate action, and (*c*) that efforts have been made, without success, to communicate with the executive authority who has legal power to order out the troops. If such a letter is not readily forthcoming it is a good plan for the commanding officer himself to write it and present it to the civil official applying for help for his signature.

Digitized by Google

183. As regards State troops, the situation is somewhat simplified by the fact that a sheriff can at any time call on citizens to constitute themselves a posse comitatus, which applies to National Guardsmen quite as much as to any other citizens, troops of the Regular Army alone being exempt. Furthermore, the law holds (Commonwealth *v.* Hare) that "citizens may, on their own authority, lawfully endeavor to suppress a riot when it assumes a dangerous form, and may for that purpose arm themselves; and whatever is honestly done by them in execution of the object will be supported and justified by the common law, though it is more discreet for every one in such a case to be assistant to the justices and sheriff in doing so." In other words, if a sheriff or mayor appeals to the commanding officer of a force of State troops for instant aid, and the governor absolutely can not be reached without serious delay, the officer has legal justification for acting on his own initiative, although he must always remember that he alone is responsible in case the governor subsequently refuses to authorize his action.

184. Much has been written regarding the power of the President, the governors of States, and various legislative bodies to order out troops for duty in time of domestic disturbance. In some States the conditions under which troops may be called out are specifically defined and limited by law. It is well for National Guard officers to know these conditions; but in general such matters do not directly concern the military. They will, under any circumstances, act only on orders received from com-

Digitized by Google

petent authority, and if the authority itself is unquestionable and the order is authentic it is not the function of any military officer to question whether that authority is in the specific case acting within his legal rights. For example, if the commander of a National Guard regiment receives an order to mobilize his command, signed by the adjutant general of the State, "by command of the governor," it is his business to obey and not to question whether the governor is violating the laws of the State in issuing the order. The gist of scores of legal decisions bearing on this point is that the President within the Nation and each governor within his State has full power to direct the military forces of which he is commander in chief in time of insurrection, rebellion, or riot, and that this discretionary power can not be curtailed. For example, the Washington Supreme Court has held (Chapin *v.* Ferry) that even when the statutes prescribe a definite course of action the governor may disregard this course in order to save time if he deems it necessary. He may act without any appeal from the lower civil authorities, or even in spite of their assurance that his action is unnecessary. The general definition of the governor's powers in such cases formulated by the Pennsylvania Supreme Court in the appeal of Hartranft et al. has been uniformly accepted, and is so wide in its scope that no State officer receiving an order from the governor as commander in chief has much to fear if he obeys.

185. It is of the utmost importance that the order calling out troops for protective duty should be in writing. If possible,

Digitized by Google

such written orders should be delivered to the commanding officer and receipted for by him before any further action is taken; if this is impossible, telephone or verbal orders should be confirmed in writing at the earliest possible opportunity. Apart from the fact that the commanding officer is absolutely entitled to the protection afforded by a written order, a telephoned or telegraphed order or one sent verbally by messenger is always open to the suspicion of fraud, and at best its exact wording can not subsequently be proved. State adjutants general occasionally overlook this clear duty or delay in performing it, but it should never under any circumstances be necessary for a military commander to ask for such an order. It should invariably state by whose authority it is issued, with the fact always kept in mind that most State laws do not authorize the adjutant general to order out troops on his own responsibility. "By command of the adjutant general" is legally a very different matter from "By command of the governor." In this connection it is worth noting that an order issued "By direction of the Secretary of War" can not be regarded as the order of the President. (Truitt *v.* U. S.)

186. Federal troops are used in domestic disturbances only upon order of the President, transmitted through the customary military channels. The President may order troops on such duty upon the appeal of a State legislature or of the governor if the legislature is not in session. He may do so without any such appeal, though this has not often happened. The Federal troops may take full administrative charge of the situation, in

Digitized by Google

which case martial law is immediately proclaimed, or they may cooperate with the civil authorities, as is more often the case. This condition has been recognized by the courts as "cooperative martial law," differing from qualified martial law only in the fact that Federal troops can under no circumstances receive orders from the State or local civil authorities. In practice the two forms of operation are virtually identical, the civil authorities requesting the military commander to render assistance in carrying out certain measures and leaving him a free hand in so doing. An excellent example of cooperation of this type was found in the Idaho disturbances in 1892.

187. From the standpoint of the officer or enlisted man on duty in time of domestic disorder the most important legal questions are those which relate to his personal liability as the result of his actions. On this point there have been many court decisions, but the famous Pennsylvania case of Commonwealth *v.* Shortall, in which the State supreme court exhaustively reviewed in its decision the whole field of legal precedent relating to personal liability of a soldier on riot duty as the result of an act committed in pursuance of orders, has remained ever since 1903, when the decision was rendered, by far the most important summary of the legal situation in this respect. The full text of this opinion was issued on May 1, 1903, from the office of the adjutant general, State of Pennsylvania, as General Order No. 18. The facts underlying this important case were, in brief, as follows: During the anthracite coal miners' strike in the summer and fall of 1902 the Pennsylvania Na-

Digitized by Google

tional Guard was ordered for duty by an order of the governor, which the court held "was a declaration of qualified martial law in the affected districts." By written order of Brig. Gen. Gobin, commanding the State troops in and near Shenandoah, a detail of one corporal and six men was placed on October 8 in a house occupied by a woman and four small children which rioters had attempted to dynamite two days previously; the order specifically provided that "if any suspicious characters prowl around, particularly in the rear of the house, who fail to halt when directed by the guard, the guard shall shoot and shoot to kill." In pursuance of this order, Pvt. Arthur Wadsworth, of the detail, shot and killed a man who entered the yard toward midnight and failed to halt after having been commanded four times to do so. A coroner's inquest found that the shooting was "hasty and unjustifiable," and on complaint before a justice of the peace a warrant was issued for the arrest of Wadsworth, who was accordingly arrested after the return of the troops from service and charged with manslaughter. He was promptly released from custody on a writ of habeas corpus pending the argument of the case. The State supreme court, after a detailed analysis of the leading earlier decisions affecting the same, found that "there was no doubt as to the legality of the order to shoot. The relator [Wadsworth] was a private soldier, and his first duty was obedience. His orders were clear and specific, and the evidence does not show that he went beyond them in his action. There was no malice, for it appears affirmatively that he did not know the deceased." In conse-

Digitized by Google

quence the court declared that there was no legal ground for subjecting Wadsworth to trial, and his discharge was accordingly ordered.

188. This decision, which has been and may long be expected to be the recognized guide for civil courts in dealing with similar cases, brings out clearly most of the important points regarding a soldier's liability under the common law. These points may be summarized as follows: (1) A soldier is not liable to civil or criminal action while in actual service for any acts performed in line of duty, and can not be arrested by the civil authorities in consequence of such acts until he ceases to be on duty in a military capacity. He may be arrested as the result of an act clearly not in line of duty (e. g., drunkenness or disorderly conduct) at any time, and, if a State soldier, he may be arrested by the civil authorities after he has ceased to be on active duty. (2) It follows that the first question to be determined is whether or not a given act is in pursuance of orders or in clear line of duty. This makes it absolutely incumbent on every officer to see that his orders and instructions to his subordinates are perfectly clear and whenever possible in writing. If not in writing (e. g., an order to fire given orally on the field of action), there should be enough witnesses to prove conclusively the exact wording of the order. (3) The courts will take cognizance of the legality or illegality of the order itself. For the subordinate the first duty is obedience; he is justified in disobeying an order from a lawful superior only when it is such that any reasonable person

Digitized by Google

would know it to be illegal and unjustifiable. In general, the courts have justified any order, even though ill-advised, given by a military officer in good faith, without malice, in an effort to carry out a legal purpose, and there have been very few instances wherein disobedience has subsequently found legal justification. (4) The question of possible malice is of great legal importance; if an act or an order can be shown to have been influenced by any personal feeling, grudge, or animosity, the consequences may be serious. (5) The fact that subsequent civil or criminal action is not only possible but likely (the Pennsylvania court, for example, specifically approved the official inquiry instituted by the coroner in the Wadsworth case), renders it essential that clear and complete records should always be available covering any act which may possibly lead into the courts. These records should include (*a*) files of all written orders and instructions, including written summaries of all verbal orders; (*b*) copies of all written reports relating to the case; (*c*) the full records of any military boards, courts-martial, or military commissions which may have touched on the case; (*d*) the depositions of a number of witnesses, duly signed and attested, including, if possible, several not connected with the military service.

189. The general legal principle that a soldier will be fully protected, both in civil and in criminal action, for any act done clearly in pursuance of lawful orders is so well established that it is is practically never disputed. Nearly all legal action is,

Digitized by Google

therefore, based solely on questions of fact. An officer or enlisted man is reasonably safe if he can demonstrate (*a*) that he received a specific order from a lawful superior, and (*b*) that he acted solely in accordance with that order. He is also reasonably safe if he can prove that, although he acted without specific orders, his action was absolutely necessary in self-defense, or for the prevention of a felony or the apprehension of a felon. In such cases he must show not only that danger existed, or that a felony was imminent or had actually been committed, but also that any action less drastic than the one actually taken would in all probability have failed to accomplish the required purpose. Far too many officers and enlisted men, particularly of State forces, are so impressed with the apparent temporary power of the military over the civil that they forget the ultimate predominance of the courts, and neglect to make adequate preparation for possible legal action by establishing the facts clearly and conclusively. The subordinate can not, as a rule, request his superior for written orders; it is therefore doubly the superior's duty to see that his orders are transmitted in writing. In the excitement of action officers and enlisted men alike are in a poor position for the collection of evidence on the spot; it is, therefore, incumbent on the higher commander immediately to institute such an inquiry as will make all the pertinent facts a matter of record. The whole essence of the soldier's legal responsibility may be summed up in a single sentence: Obey orders, avoid malice, use common sense, and establish the facts.

Digitized by Google

190. The necessity for the use of common sense and good judgment is obvious in a service in which conditions vary so widely as to render the formulation of general rules of conduct impossible. The most important question is that of the amount of force to be used under any given set of conditions. The law has uniformly held that sufficient force may be used to accomplish any legal purpose in a legal manner, but that no unnecessary force may be employed. This is, of course, utterly vague; two officers may absolutely disagree, for example, as to whether or not a situation of which both are witnesses justifies an order to open fire. The courts have, in general, been inclined to be liberal in their interpretation of "necessary force," provided always a reasonable necessity can be shown by something more than the mere word of the person giving the order or committing the act. The clear establishment of the facts through weight of unprejudiced evidence is, then, the important consideration in all cases involving questions of judgment or discretion. The Wadsworth case, it should be noted, involved no such questions; the soldier merely did what he was ordered to do; but there are plenty of court decisions upholding and justifying the acts of officers and enlisted men in cases not covered by specific orders where the acts committed were shown to have been reasonably warranted by existing conditions. It must be remembered, in this connection, that conditions often appear very different at the moment and subsequently; a mob which looks thoroughly men-

Digitized by Google

acing may turn out to be quite harmless. It is essential, therefore, to be able to reconstruct for the court conditions as they appeared at the moment the order was issued or the act committed.

191. In considering the amount of force to be used it must always be remembered that punishment is no part of the function of the military. Even under martial law punishment should be administered, if at all, solely for the immediate purpose of maintaining order. The duty of the troops is to maintain or restore order and to enable the civil authorities to function safely and effectively. The punishment of crime is essentially one of the duties of these authorities. To them all prisoners should be turned over for trial; unless martial law has been proclaimed the troops have no more legal power to inflict punishment than a policeman has. In this connection the following from Army Regulations (par. 489) should be carefully noted: "They (the troops) should make their blows so effective as to promptly suppress all resistance to lawful authority, and should stop the destruction of life the moment lawless resistance has ceased. Punishment belongs, not to the troops, but to the courts of justice."

192. In making arrests it is important that all soldiers should clearly understand the common grounds for arrest, and should know the difference between felonies and misdemeanors. In general, a felony is a crime punishable by death or by imprisonment in a State prison or penitentiary; misdemeanors are crimes

Digitized by Google

punishable only by fine or by a workhouse sentence. From the soldier's standpoint, the importance of the distinction lies in the following points: (*a*) Except in self-defense, a civil officer (and this applies equally to a soldier unless martial law has been proclaimed) may not shed blood in arresting, or in preventing the escape of one whom he has arrested, for an offense less than felony, even though the offender can not be taken otherwise; (*b*) a civil officer may not arrest any person who has committed a misdemeanor without first securing a warrant, unless he is actually within view when the misdemeanor is committed or attempted, or unless he is assaulted or otherwise interfered with in the discharge of his duty, whereas a civil officer may arrest without a warrant a person whom he has reasonable or probable grounds to suspect of having committed a felony, even though the person suspected is innocent. Except under martial law, troops on protective duty are usually clothed automatically with the powers of peace officers. The second consideration just stated is far less frequently applicable than the first, which, in effect, governs the legal right of a soldier to shoot in cases not covered by specific orders. He may shoot, if he has to, to prevent a felony or to capture a felon; he may not shoot, except in self-defense, to prevent a misdemeanor, or to capture a person guilty thereof.

193. When an arrest is made the prisoner should be promptly turned over to the civil authorities and a complaint sworn out. Soldiers have a common and unfortunate tendency to make

Digitized by Google

arrests and then drop the matter altogether; this may render them liable to action for false arrest, and in any case tends to defeat the main purpose for which arrests are made. The necessary steps should be taken to secure convictions whenever possible, and arrests should rarely be made without securing the names of witnesses. Frequently an officer orders the arrest of a disturber of the peace, and the prisoner is turned over to the civil authorities by a detail of troops who know nothing of the nature of his offense. The names of witnesses have not been recorded, and by the time the case comes up next day in police court there is no specific charge against the prisoner, no one appears against him, and no testimony of any kind is forthcoming. National Guard officers are often notably careless in such matters, and need to remember that an arrest not followed by charges made in court may lead to trouble. It is well for all military officers to familiarize themselves with the outlines of ordinary police procedure in the matter of making arrests, swearing out complaints, and the conduct of municipal courts.

194. In connection with arrests, there is one legal matter capable of making a vast amount of trouble: the issue of writs of habeas corpus. The writ of habeas corpus is, in effect, an order issued by a judge commanding the custodian of a prisoner to bring the captive before the court in order that the court may inquire into the cause of the confinement and either order the man released or permit him to remain in custody. It has been held by the courts that the establishment of absolute martial

Digitized by Google

law carries with it the right to suspend the writ of habeas corpus during the entire period when such absolute martial law is exercised. Under qualified martial law, however, the writ is normally not suspended. When such a writ is issued the custodian of the prisoner must promptly make a return thereof, either complying therewith by producing the prisoner before the court or else showing that the court has no jurisdiction in the premises. Under no circumstances may a writ of habeas corpus be disregarded or compliance therewith simply refused. A return stating that the court is without jurisdiction is proper in the following cases: (*a*) A writ issued by a State (but not a Federal) court to an officer of the United States Army, the State courts having no jurisdiction over Federal troops; (*b*) a writ issued by any court when martial law has been proclaimed by competent authority; (*c*) a writ issued by any court when the writ of habeas corpus has been suspended by competent authority, even though martial law has not in fact been proclaimed. These cases are based primarily on such decisions as the United States Supreme Court's decision in Tarble's case (13 Wallace, 397), upholding the right of an officer of the United States Army to refuse to surrender a prisoner on a writ issued by a State court; on the decision In re Moyer (85 Pac., 190), affirming the right of State troops to hold prisoners under martial law in defiance of the writ; and the Idaho Supreme Court decision In re Boyle (57 Pac., 706), which states that "In case of insurrection or rebellion the gov-

Digitized by Google

ernor or military officer in command, for the purpose of suppressing the same, may suspend the writ of habeas corpus, or disregard such writ if issued."

195. All trouble regarding the writ of habeas corpus will be avoided if prisoners are promptly turned over to the civil authorities, and this should be done by both Federal and State troops whenever it is possible. Sometimes, however, this is impracticable. As the United States Supreme Court itself said, in the famous Ex parte Milligan decision (4 Wallace, 140): "Courts might be open and undisturbed in the execution of their functions, and yet wholly incompetent to avert threatened danger, or to punish, with adequate promptitude and certainty, the guilty conspirators. * * * In times of rebellion and civil war it may often happen, indeed, that judges and marshals will be in active sympathy with the rebels, and courts their most efficient allies." If the courts have ceased to function, or if there is reason to believe that for any reason they will not or can not act in effective support of legal authority, martial law is the logical solution. If, however, martial law is not proclaimed, the commanding officer of State troops should secure from the governor a written order specifically authorizing him to deny the jurisdiction of State courts in case writs of habeas corpus are issued; in other words, the governor should, in effect, suspend the writ. It need hardly be said that these expedients are undesirable, and that the military will be saved from a vast amount of legal complications if all prisoners can safely be handed over at once to the civil authorities.

Digitized by Google

196. Much has been written regarding what legally constitutes a riot, but this need not greatly trouble the soldier, for the reason that the legal definition of a riot is very much broader than the tactical definition. In general, when three or more persons assemble with the intent mutually to assist one another against all who shall oppose them, and afterwards put the design into execution in a turbulent and violent manner, whether the object in question be lawful or otherwise, so as tumultuously to disturb the peace, the law recognizes the existence of a riot. In other words, a riot, in the legal sense, is not dependent on the size of the mob, on the specific nature of the turbulent acts committed, or on the use of weapons of any kind. The terms "riot" and "mob" may be regarded as legally synonymous. The important thing from the military standpoint is that whenever a riot, in the legal sense, exists, and those participating in it have been directed to desist and disperse, every person remaining at the scene of the riot, unless lawfully engaged in endeavoring to suppress it, is regarded by the law as a presumptive rioter. In some States a proclamation or warning to rioters to desist is mandatory before action by force can be initiated; but this, of course, does not apply when the troops come on the rioters actually engaged in the perpetration of a crime. When time permits such a proclamation, printed and published by means of newspapers, posters, and handbills, is of great value, but it should never be necessary to read a lengthy proclamation to a crowd actually formed; the duty of haranguing a mob should

Digitized by Google

never devolve on a soldier. The mere presence of armed troops is generally regarded as sufficient warning that a state of riot exists, and that it is the duty of all law-abiding citizens to keep out of harm's way. Before ordering an attack, however, the immediate commander of the troops should always give the crowd a brief order to disperse, unless it is actually engaged in some lawless action.

197. The definitions of insurrection and rebellion, as distinct from riots, are important to the soldier only as they warrant more drastic action and render martial law a virtual necessity. Insurrection and rebellion differ from one another mainly in degree; they both differ from riots in this: that they are marked by violence directed against the Government itself, whereas riots are characterized by violence directed against individuals, even though this violence may, and generally does, defy the Government's authority. A concrete illustration of the legal meaning of the term "insurrection" is to be found in the court's charge to the grand jury in the case of Allegheny County *v.* Gibson (68 Fed., 828), which states that "If it shall appear that any persons have willfully obstructed or retarded the mails, and that their attempted arrest for such offense has been opposed by such a number of persons as would constitute a general uprising in that particularly locality, and as threatens for the time being the civil and political authority, then the fact of an insurrection has been established." The question of whether a disturbance constitutes a riot, an insurrection, or a

Digitized by Google

rebellion is for the civil, not the military, authorities to determine, and it is for them to indicate the general course of action to be followed in the premises.

198. Even in cases of insurrection, it is a general rule that troops must so far as possible respect private property. Pillaging, or anything approaching it, is, of course, absolutely prohibited under all circumstances. The commandeering of private property for military purposes is dependent on the degree of necessity existing at the time. A military commander in time of domestic disturbance has about the same right to commandeer private property that a fire chief has to blow up residences in order to check a conflagration: the law will uphold his action and protect him against subsequent legal action only if he is able to demonstrate that any less drastic course would almost certainly have resulted in disaster. This applies whether or not martial law has been proclaimed, for martial law does not abrogate property rights. Under martial law the military commander should use every possible means for securing the necessary supplies with the consent (in writing) of the owners thereof before resorting to the expedient of commandeering. If urgent necessity compels him to commandeer private property he is required to give the owners written receipts therefor and to take prompt measures looking toward their proper indemnification. Under qualified martial law the military commander should always look to the civil authorities for all supplies which must be furnished by civilians and not

Digitized by Google

through military channels, and if commandeering becomes necessary, he should endeavor to have this done for him by the civil authorities. There are times, however, when the urgency of the necessity admits of no delay: when, for instance, a barricade must be constructed out of the first materials that come to hand; when the troops absolutely must be fed and no one can be found who is willing to sell them food; or when troops must be instantly transported by motor vehicle and no trucks or cars can possibly be secured except by seizure. In such cases the commanding officer almost certainly lays himself open to subsequent civil action, but he is reasonably safe if he has made adequate arrangements for prompt indemnification by the Government, and is able to prove to a court the actual necessity for acting as he did. As in the case of liability for other acts performed in line of duty, the essential thing is to be able to establish the facts; the court is not likely to question an officer's right to commandeer private property if he can convince a jury that his act was rendered necessary by the conditions existing at the time.

199. The legal aspects of the service of military protection are immensely varied, owing both to the diversity of conditions and the differences existing among State and Federal laws. Furthermore, they change from year to year, as the law itself changes, through the enactment of new statutes and the promulgation of new court decisions. It follows that no summary statement can attempt to do more than indicate the main principles of the law as applied to riot duty, and that no textbook,

Digitized by Google

however exhaustive, can be always up to date. The only satisfactory solution of the problem is for all officers to receive periodical instruction in the legal aspects of riot duty from competent experts. This applies, above all, to the officers of State military forces, who are particularly liable to service of this kind, and who need to be fully cognizant of the special laws of their own States. Every National Guard officer should have a written or printed digest of the State laws bearing on the use of the military forces in time of disorder, including the military code of the State; and this digest should be kept always up to date and should be explained and commented on by able legal instructors. Current judicial decisions should be watched with care, and cases bearing on the general subject should be digested and their substance explained. It must be remembered in this connection that the average military officer has no great fondness for legal technicalities; the instruction should, therefore, aim rather to make clear the legal principles by which a soldier's conduct must be governed than to split hairs with regard to matters which are most unlikely to affect his course of action. This legal instruction is an important part of the preparation for the service of military protection, and one which in general has been lamentably overlooked.

200. In conclusion, it is worth while to repeat that the principles, whether tactical, administrative, or legal, governing the service of military protection are in no sense novel or peculiar; the problem is simply to apply the established principles to un-

Digitized by Google

usual conditions. The success with which this can be done depends very largely on the thoroughness of the preparation. Since the rendering of aid to the civil authorities is likely to remain an important function of the Army, and by far the most frequently exercised one of the National Guard, it follows that this preparation should be made with the same kind of thoroughness and intelligence which an artillery unit, for example, employs in training its men to handle guns in action. Troops so trained have every reason to feel confidence in their ability to render efficient service to the Government and to their fellow citizens.

Digitized by Google

APPENDIX.

The following books, pamphlets, and bulletins have been more or less extensively used in the preparation of the foregoing manual:

Andrews, Lincoln C. (colonel, United States Army), Fundamentals of Military Service (Ch. XIV). J. B. Lippincott Co., Philadelphia, 1916.

Andrews, Lincoln C. (colonel, United States Army), Leadership and Military Training (pp. 136–138). J. B. Lippincott Co., Philadelphia, 1918.

Babcock, Louis L. (brigadier general, New York National Guard), Manual for the Use of Troops in Aid of the Civil Authority. George H. Doran Co., New York, 1917.

Bargar, Byron L. (lieutenant colonel, Ohio National Guard), The Law and Customs of Riot Duty. Published by the author, Columbus, Ohio, 1907.

Bellows, Henry A. (colonel, Minnesota National Guard), Manual for Local Denfense. The Macmillan Co., New York, 1918.

Bellows, Henry A. (colonel, Minnesota National Guard), Minneapolis Civilian Auxiliary Service Manual. Published by the author, Minneapolis, Minn., 1918.

Digitized by Google

Birkhimer, William E. (major, United States Army), Military Government and Martial Law. Franklin Hudson Publishing Co., Kansas City, Mo., 1904.

Brittin, Lewis H. (lieutenant colonel, United States Army), Manual of Street Crowd Tactics. Published by the author, Minneapolis, Minn., 1918.

Cahalane, Cornelius F. (inspector, New York City police department), Police Practice and Procedure. E. P. Dutton & Co., New York, 1914.

Dawkins, William A. (major, New York police reserve), and Cahalane, Cornelius F. (inspector, New York City police department), Police Reserve and Home Defense Guard Manual. E. P. Dutton & Co., New York, 1918.

Farrow, Edward S. (colonel, United States Army), Military Encyclopedia (Vol. II, article on "Riot"). Military-Naval Publishing Co., New York, 1895.

Farrow, Edward S. (colonel, United States Army), Riots and Riot Duty. Military-Naval Book Corporation, Asbury Park, N. J., 1919.

Flint, K. R. B. (major, Vermont Volunteer Militia), Military Law in Vermont (Chs. VI–VII). Published by the State of Vermont, 1918.

Fosdick, Raymond B., European Police Systems. The Century Co., New York, 1916.

Headley, J. T., Pen and Pencil Sketches of the Great Riots. E. B. Treat, New York, 1882.

Digitized by Google

Howland, Charles R. (captain, United States Army), Riot Duty. Privately printed, Portland, Oreg., 1914.

Moss, James A. (colonel, United States Army), Riot Duty. George Banta Publishing Co., Menasha, Wis., 1917.

Ordway, Albert (brigadier general, District of Columbia National Guard), The National Guard in Service (Lecture No. 13). James J. Chapman, Washington, D. C., 1891.

Stockton, Richard, jr. (major, United States Army), and Dickinson, Sackett M. (captain, New Jersey National Guard), Troops on Riot Duty. George Banta Publishing Co., Menasha, Wis., 1918.

PAMPHLETS AND BULLETINS.

War Department, Document No. 882, Military Protection. 1918.

War Department, Document No. 454, Regulations for the Army of the United States (Art. XLVII). 1917.

California, Letter of Instructions Regarding Riot Duty (not printed). 1919.

Connecticut, Regulations for the Connecticut Home Guard (Art. XIX). Published by the Military Emergency Board, 1918.

Connecticut, Bulletin of the Military Emergency Board, August 28, 1919, Street Column and Square.

Georgia, Military Department, General Orders No. 1, Series of 1918.

Digitized by Google

Massachusetts, Adjutant General's Office, General Orders No. 4, Series of 1919.

Minnesota, Adjutant General's Office, Circular Letter No. 15, Series of 1919.

North Carolina, Regulations, North Carolina Reserve Militia (Art. 28). Published by the State of North Carolina, 1918.

Pennsylvania, Adjutant General's Office, General Orders No. 18, Series of 1903.

Wisconsin, Adjutant General's Office, Circular No. 1, Series of 1919.

France, Ministry of War, Instruction Relative a la Participation de l'Armee au Maintien de l'Ordre Public. R. Chapelot, Paris, 1907.

Winnipeg, The Activities and Organization of the Citizens' Committee of One Thousand. Published by the Citizens' Committee, Winnipeg, Manitoba, 1919.

ADDITIONAL COPIES
OF THIS PUBLICATION MAY BE PROCURED FROM
THE SUPERINTENDENT OF DOCUMENTS
GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.
AT
15 CENTS PER COPY

▽

Digitized by Google

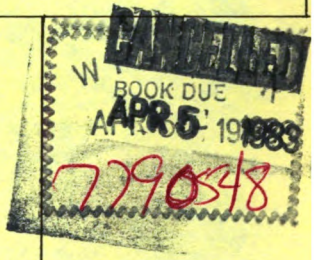
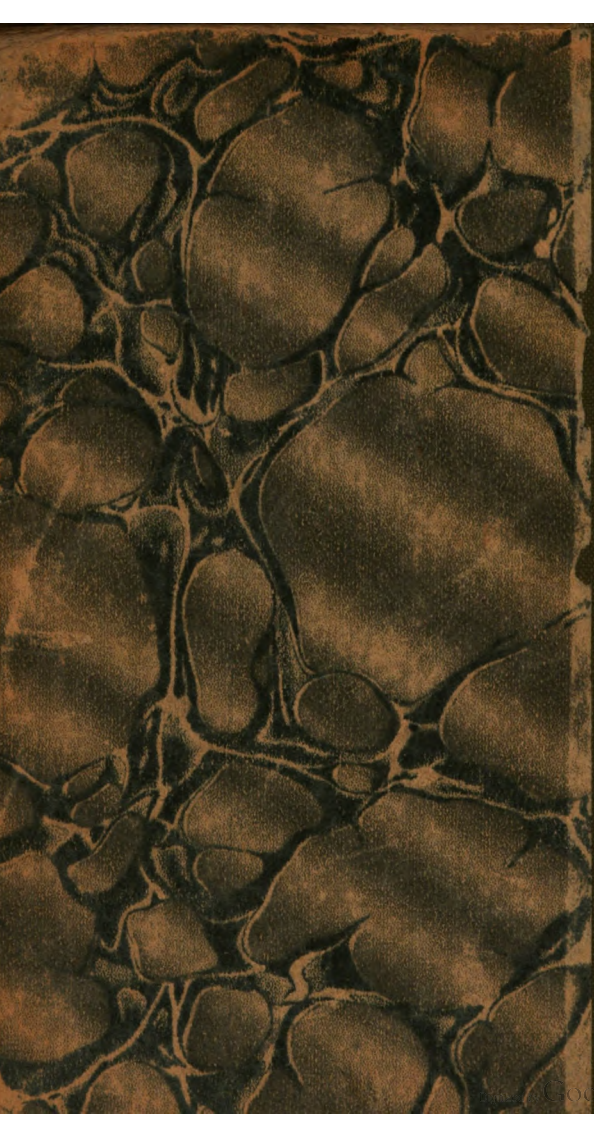
Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

THE BORROWER WILL BE CHARGED AN OVERDUE FEE IF THIS BOOK IS NOT RETURNED TO THE LIBRARY ON OR BEFORE THE LAST DATE STAMPED BELOW. NON-RECEIPT OF OVERDUE NOTICES DOES NOT EXEMPT THE BORROWER FROM OVERDUE FEES.



Digitized by Google